



Memorandum #04-23

Date: November 17, 2022

To: SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

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Subject: Presentation for the Proposed 2023 Food Regulations

I. BACKGROUND:

The Health District is responsible for state-mandated environmental health permitting and inspections for food establishments in Clark County, Nevada. The Environmental Health (EH) division of the Health District has not had an update to the Regulations Governing the Sanitation of Food Establishments since 2010, which was modeled after the 2005 Food and Drug Administration (FDA) Food Code. Over the last 10 years, the Health District has processed over 2,000 waivers which have allowed us to understand the areas of the regulation that need updating.

II. PROPOSED ADJUSTMENTS:

The Health District proposes updating the food regulations to more closely reflect the 2017 FDA Model Food Code and 2019 Food Code Supplement. These 2023 Food Regulations will allow businesses to focus their efforts on managing food safety risks. The major changes are listed in the Changes by Chapter document. Some items of interest include a requirement for the person in charge to be a certified food protection manager, food handler safety training card exemptions, temporary food establishment exemptions, and reduced oxygen packaging without a waiver criterion. The Health District believes that these changes will result in an environment that is business-friendly and promotes continued growth while protecting public health.

The proposed regulations do not create new fees or increase existing fees for Environmental Health services.

III. RECOMMENDATION:

The Health District recommends approval of the proposed 2023 Food Regulations.

CDS/hh

Attachments:

- Attachment A: Proposed 2023 Food Regulations
- Attachment B: Changes by Chapter
- Attachment C: Food Regulations - Red Line
- Attachment D: Workshop Transcript
- Attachment E: Posting Verifications
- Attachment F: Written Correspondence

ATTACHMENT

A

**SOUTHERN NEVADA HEALTH DISTRICT
2023 FOOD REGULATIONS**

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

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

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

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

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

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Chapter 1 Purpose and Definitions

Parts

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

1-1	Title, Intent, Scope
Subparts	
1-101	Title
1-102	Intent
1-103	Scope

1-101 Title

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

1-102 Intent

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

1-103 Scope

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

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

1-201 Applicability and Terms Defined

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

Accessible

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

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

Accredited Program

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

Adulterated

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

Annual Event Venue

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

Annual itinerant

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

Approved

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

Approved Source

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

Asymptomatic

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

a_w

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

Balut

An embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

Bottled Drinking Water

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

Catering Food Establishment

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

Certification Number

A unique combination of letters and numbers assigned by a Shellfish Control Authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

Certified Food Protection Manager

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

Change of Permit Holder (CPH)

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

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

Cleaned in place (CIP)

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

Color Additive

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

Commingle

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

Comminuted

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

Commissary

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

Confirmed Disease Outbreak

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

Consumer

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

Core Item

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

Corrosion-Resistant Material

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

Counter-Mounted Equipment

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

Critical Control Point

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

Critical Limit

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

Cut Leafy Greens

Fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term leafy greens include iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term leafy greens does not include herbs such as cilantro or parsley.

Downgrade

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

Drinking Water

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

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

Dry Storage Area

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

Easily Cleanable

- (A)** A characteristic of a surface that:
 - (1)** Allows effective removal of soil by normal cleaning methods,
 - (2)** Is dependent on the material, design, construction, and installation of the surface, and
 - (3)** Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.

- (B)** Easily cleanable includes a tiered application of the criteria that qualify the surface as easily cleanable as specified in subparagraph (A) of this definition to different situations in which varying degrees of cleanability are required such as:
 - (1)** The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or tables used for consumer dining, or
 - (2)** The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

Easily Movable

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

Egg

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

Egg does not include:

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

Egg Product

All, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs.

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

Employee

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

Equipment

An article that is used in the operation of a food establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine.

Equipment does not include apparatuses used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

Event Coordinator

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

Exclude

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

Facilities

The structure and interior surfaces of a food establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

Farmer

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

Farmers' Market

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

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

Farm Products

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

Fish

Fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption.

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

Food

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

Food Additive

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

Foodborne Disease Outbreak

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

Food-Contact Surface

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

Food Establishment

Any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is stored, sold, offered or displayed for sale, or served.

Food Establishment does not include:

- (A)** Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind,
- (B)** Fraternal or social clubhouses that have a status as a 501 (c)(7) or (8), and which attendance is limited to members of the club,
- (C)** Vehicles operated by common carriers engaged in interstate commerce, or any third-party delivery service that delivers food from a food establishment does not directly handle unpackaged food.
- (D)** Any establishment in which religious, charitable and other 501(c)(3) nonprofit organizations sell food occasionally (no more than three occurrences in a 90-day period), on the premises of their organization, to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public,
- (E)** Any establishment where animals, including, without limitation, mammals, fish and poultry, are slaughtered which is regulated pursuant to NRS 583,
- (F)** Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under NRS 584,
- (G)** The premises of a wholesale dealer of alcoholic beverages licensed under NRS 369 who handles only alcoholic beverages which are in sealed containers,
- (H)** A facility that produces eggs which is regulated pursuant to NRS 583,
- (I)** A cottage food operation that meets the requirements of NRS 446.866 with respect to food items as defined in that section,
- (J)** A craft food operation that meets the requirements of NRS 587.6945 with respect to food items as defined in that section,
- (K)** A farm for purposes of holding a farm-to-fork event,
- (L)** A kitchen in a private home,
- (M)** A bed-and- breakfast operation that is owner occupied, the number of available guest bedrooms does not exceed six, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the Health Authority,
- (N)** A permitted family or group care home.
- (O)** A permitted childcare center that serves only a limited menu as described in NRS 446.941,

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

Food Handler

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

Food Processing Plant

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

Food Vendor

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

Game Animal

An animal, the products of which are food, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9 CFR 301.2, or as poultry, or fish.

- (A) Game Animal includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes.
- (B) Game animal does not include ratites.

Grade A Standards

The requirements of the United States Public Health Service/FDA Grade A Pasteurized Milk Ordinance with which certain fluid and dry milk and milk products comply.

Handwashing Sink

- (A) A lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands.
- (B) Unless specified otherwise, a handwashing sink is a permanently plumbed fixture.
- (C) Handwashing sink includes an automatic handwashing facility.

Hazard Analysis and Critical Control Point (HACCP) Plan

A written document that delineates the formal procedures for following the hazard analysis and critical control point principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

Health Authority

The officers and agents of the Southern Nevada Health District.

Hermetically Sealed Container

A container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

Highly Susceptible Population

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

- (A) Immunocompromised, preschool age children, or older adults and
- (B) Obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

Imminent Health Hazard

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

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

Injected

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

Intact Meat

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

Juice

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

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

Kitchenware

Food preparation and storage utensils

Like-for-like

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

Linens

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

Low-Risk Food Establishment

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

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

Major Food Allergen

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

Major Food Allergen does not include:

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

Meat

The flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except fish, poultry, and wild game animals as specified under subparagraphs 3-201.7 (A)(3) and (4).

Mechanically Tenderized

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

mg/L

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

Misbranded

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

Mobile Unit

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

Molluscan Shellfish

Any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

Molluscan Shellfish Dealer

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

Natural and Unprocessed State

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

Non-Continuous Cooking

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

Open-Air Vendor

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

Packaged

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

Permit

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

Permit Holder

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

Person

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

Person-in-Charge (PIC)

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

Personal Care Items

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

pH

The symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero and seven indicate acidity and values between seven and 14 indicate alkalinity. The value for pure distilled water is seven, which is considered neutral.

Plumbing Fixture

A receptacle or device that:

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

Plumbing System

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

Poisonous or Toxic Materials

Substances that are not intended for ingestion and are included in 4 categories:

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

Poultry

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

Premises

- (A) The facilities, contents, and the contiguous land or property under the control of the permit holder; or
- (B) The facilities, contents, and the land or property not described in subparagraph (A) of this definition if its facilities and contents are under the control of the permit holder and may impact food establishment personnel, facilities, or operations, and a food establishment is only one component of a larger operation such as a resort, public accommodation, arena, school, institution, or recreational camp.

Priority item

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

(B) Priority item includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing; and

(C) Priority item is an item that is denoted in these regulations with a superscript P-.

Priority Foundation Item

(A) A provision in these regulations that, when applied, facilitates or enables one or more priority items,

(B) Priority foundation item includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling, and

(C) Priority foundation item is an item that is denoted in these regulations with a superscript Pf -Pf.

Public Water System

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

Ratite

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

Ready-to-Eat Food

Food that:

(A) Is in a form that is edible without additional preparation to achieve food safety, as specified under one of the following: ¶ 3-401.1(A) or (B), § 3-401. 2, or § 3-402.1, or as specified in ¶ 3-401.1(C), or

(B) Is a raw or partially cooked animal food and the consumer is advised as specified in Subparagraphs 3-401.1(D)(1) and (3), and

(C) May receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

Ready-to-Eat Food includes:

(A) Raw animal food that is cooked as specified under § 3-401.1 or 3-401. 2, or frozen as specified under § 3-402.1,

(B) Raw fruits and vegetables that are washed as specified under § 3-302.5,

(C) Fruits and vegetables that are cooked for hot holding, as specified under § 3-401.3,

- (D) All TCS food that is cooked to the temperature and time required for the specific food under subpart 3-401 and cooled as specified under § 3- 501.4,
- (E) Plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present are removed,
- (F) Substances derived from plants such as spices, seasonings, and sugar,
- (G) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety,
- (H) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks, and
- (I) Foods manufactured as specified in 21 CFR part 113, *Thermally processed low-acid foods packaged in hermetically sealed containers.*

Reduced Oxygen Packaging

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

Reduced Oxygen Packaging includes:

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

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

Refuse

Solid waste not carried by water through the sewage system.

Regulatory Authority

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

Reminder

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

Remodel

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

Re-Service

The transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

Restrict

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

Restricted-Use Pesticide

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

Risk

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

Sanitization

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

Sealed

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

Service Animal

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

Servicing Area

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

Sewage

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

Shellfish Control Authority

A state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

Shellstock

Raw, in-shell molluscan shellfish

Shiga toxin-producing *Escherichia coli* (STEC)

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

Shucked Shellfish

Molluscan shellfish that have one or both shells removed.

Single-Service Articles

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

Single-Use Articles

- (A) Utensils and bulk food containers designed and constructed to be used once and discarded.
- (B) Single-use articles include items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the materials, durability, strength, and cleanability specifications under §§ 4-101.11, 4-201.11, and 4-202.11 for multiuse utensils.

Site-Specific

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

Slacking

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

Smooth

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

Special Event

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

Support Kitchen

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

Tableware

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

Tasting Event

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

Temperature Measuring Device

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

Temporary Food Establishment

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

Time/Temperature Control for Safety Food (TCS)

- (A)** A food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.
- (B)** TCS food includes:
 - (1)** An animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, and

- (2) Except as specified in subparagraph (C)(4) of this definition, a food that because of the interaction of its a_w and pH values is designated as product assessment required (PA) in Table A or B of this definition:

Table A
Interaction of pH and a_w for control of spores in food
Heat-treated to destroy vegetative cells and subsequently packaged

a_w values	pH: 4.6 or less	pH: > 4.6 - 5.6	pH: > 5.6
≤ 0.92	Non-TCS food	Non-TCS food	Non-TCS food
> 0.92 - 0.95	Non-TCS food	Non-TCS food	PA*
> 0.95	Non-TCS food	PA	PA

*PA means Product Assessment required

Table B
Interaction of pH and a_w for control of vegetative cells and spores in food
Not heat-treated or heat-treated but not packaged

a_w values	pH: < 4.2	pH: 4.2 - 4.6	pH: > 4.6 - 5.0	pH: > 5.0
< 0.88	Non-TCS food	Non-TCS food	Non-TCS food	Non-TCS food
0.88 – 0.90	Non-TCS food	Non-TCS food	Non-TCS food	PA
> 0.90 – 0.92	Non-TCS food	Non-TCS food	PA	PA
> 0.92	Non-TCS food	PA	PA	PA

- (C) TCS food does not include:
- (1) An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable *Salmonellae*,
 - (2) A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution,
 - (3) A food that because of its pH or a_w value, or interaction of a_w and pH values, is designated as a non-TCS food in Table A or B of this definition,
 - (4) A food that is designated as product assessment required (PA) in Table A or B of this definition and has undergone a product assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:
 - (a) Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,
 - (b) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or
 - (c) A combination of intrinsic and extrinsic factors, or

- (5) A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the subparagraphs (C)(1) — (C)(4) of this definition even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

Utensil

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

Variance

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

Vending Machine

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

Waiver

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

Warewashing

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

Whole-Muscle, Intact Beef

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

Chapter 2 Management and Personnel

Parts

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

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

2-101 Assignment of Responsibility

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

2-102 Knowledge

2-102.1 Demonstration

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

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

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

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

2-102.2 Certified Food Protection Manager

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

2-102.3 Food Protection Manager Certification

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

2-103 Duties of the PIC

A PIC must be present during all hours of operation. The PIC must ensure that:

- (A) Food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under § 6-202.11,

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

properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment,

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

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

2-201 Responsibilities of the Permit Holder, PIC, and Food Handlers

2-201.1 Responsibilities and Reporting Symptoms and Diagnosis

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

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

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

2-201.2 Exclusions and Restrictions

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

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

- (C)** If diagnosed with Typhoid fever or the food handler reported an illness with Typhoid fever within the past three months, exclude the food handler as specified under Subparagraph 2-201.1(A)(3),
- (D)** If diagnosed with an asymptomatic infection from Norovirus:

 - (1)** Exclude the food handler who works in a food establishment serving a highly susceptible population, or
 - (2)** Restrict the food handler who works in a food establishment not serving a highly susceptible population.
- (E)** If diagnosed with an infection from *Shigella* spp. and is asymptomatic:

 - (1)** Exclude the food handler who works in a food establishment serving a highly susceptible population, or
 - (2)** Restrict the food handler who works in a food establishment not serving a highly susceptible population.
- (F)** If diagnosed with an infection from Shiga toxin-producing *E. Coli*, and is asymptomatic:

 - (1)** Exclude the food handler who works in a food establishment serving a highly susceptible population, or
 - (2)** Restrict the food handler who works in a food establishment not serving a highly susceptible population.
- (G)** If diagnosed with an infection from *Salmonella* (non-Typhoidal) and is asymptomatic, restrict the food handler who works in a food establishment serving a highly susceptible population or in a food establishment not serving a highly susceptible population.
- (H)** If symptomatic with an acute onset of sore throat with fever:

 - (1)** Exclude the food handler who works in a food establishment serving a highly susceptible population, or
 - (2)** Restrict the food handler who works in a food establishment not serving a highly susceptible population.
- (I)** If infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered as specified under Subparagraph 2-201.1(A)(1)(e), restrict the food handler.
- (J)** If a food handler is exposed to a foodborne pathogen as specified under Subparagraphs 2-201.1(A)(4)(a – d) or 2-201.1(A)(5)(a—d), restrict the food handler who works in a food establishment serving a highly susceptible population.

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

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

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

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

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

 - (a)** Restrict the food handler, who is asymptomatic for at least 30 calendar days until conditions for reinstatement as specified under Subparagraphs (G)(1) or (2) of this section are met, or
 - (b)** Retain the exclusion for the food handler who is symptomatic, until conditions for reinstatement as specified under Subparagraphs (G)(1) or (G)(2) of this section are met.

- (B)** Reinstatement a food handler who was excluded as specified under ¶ 2- 201.2(B) if the PIC obtains approval from the Health Authority and one of the following conditions is met,

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

- (C)** Reinstatement a food handler who was excluded as specified under ¶ 2- 201.2(C) if:

 - (1)** The PIC obtains approval from the Health Authority, and
 - (2)** The food handler provides to the PIC written medical documentation from a health practitioner that states the food handler is free from Typhoid fever.

- (D)** Reinstatement a food handler who was excluded for a diagnosis with an infection from *Norovirus* under Subparagraphs 2-201.2(A)(2) or (D)(1) or who was restricted under Subparagraph 2- 201.2(D)(2) if the PIC obtains approval from the Health Authority and one of the following conditions is met:

 - (1)** The excluded or restricted food handler provides to the PIC written medical documentation from a health practitioner stating that the food handler is free of a norovirus infection,
 - (2)** The food handler was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than 48 hours have passed since the food handler became asymptomatic, or
 - (3)** The food handler was excluded or restricted and did not develop symptoms and more than 48 hours have passed since the food handler was diagnosed.

- (E)** Reinstatement a food handler who was excluded for a diagnosis with an infection from a *Shigella* species under Subparagraphs 2-201.2(A)(2) or (E)(1) or who was restricted under Subparagraph

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

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

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

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

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

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

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

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

2-301 Hands and Arms
2-301.1 Clean Condition

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

2-301.2 Cleaning Procedure

- (A)** Except as specified in ¶ (D), food handlers must clean their hands and exposed portions of their arms for at least 20 seconds, using a cleaning compound in a handwashing sink that is equipped as specified under § 5-202.2 and Subpart 6-301.

- (B)** Food handlers must use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms:
 - (1)** Rinse under clean, running warm water,

 - (2)** Apply an amount of cleaning compound recommended by the cleaning compound manufacturer,

 - (3)** Rub together vigorously for at least 10 to 15 seconds while:
 - (a)** Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure, and
 - (b)** Creating friction on all surfaces of the hands and arms, fingertips, and areas between the fingers,

 - (4)** Thoroughly rinse under clean, running warm water, and

 - (5)** Immediately follow the cleaning procedure with thorough drying using clean, disposable towels.

- (C)** To avoid recontaminating their hands, food handlers may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a handwashing sink or the handle of a restroom door.

- (D)** If approved and capable of removing the types of soils encountered in the food operations involved, an automatic handwashing facility may be used by food handlers to clean their hands and exposed portions of their arms.

2-301.3 When to Wash

Food handlers must clean their hands and exposed portions of their arms as specified under § 2-301.2 immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and:

- (A)** After touching bare human body parts other than clean hands and clean, exposed portions of arms,

- (B)** After using the restroom,

- (C)** After caring for or handling service animals or aquatic animals as specified in ¶ 2-403(B),

- (D)** Except as specified in ¶ 2-401.1(B), after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking,

- (E) After handling soiled equipment or utensils,
- (F) During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks,
- (G) When switching between working with raw food and working with ready-to-eat food,
- (H) Before donning gloves to initiate a task that involves working with food, and
- (I) After engaging in other activities that contaminate the hands.

2-301.4 Where to Wash

Food handlers must clean their hands and exposed portions of their arms in a designated handwashing sink or approved automatic handwashing facility and must not clean their hands in a sink used for food preparation or warewashing or in a service sink or a curbed cleaning facility used for the disposal of wastewater.

2-301.5 Hand Antiseptics

- (A) A hand antiseptic used as a topical application, a hand dip, or an antiseptic soap must:
 - (1) Comply with one of the following:
 - (a) Be an approved drug that is listed in the FDA publication *Approved Drug Products with Therapeutic Equivalence Evaluations* as an approved drug based on safety and effectiveness, or
 - (b) Have active antimicrobial ingredients that are listed in the FDA monograph for *OTC Health Care Antiseptic Drug Products* as an antiseptic handwash, and
 - (2) Consist only of components which the intended use of each complies with one of the following:
 - (a) A threshold of regulation exemption under 21 CFR 170.39 *Threshold of regulation for substances used in food-contact articles*; or
 - (b) 21 CFR 178 *Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers as regulated for use as a food additive with conditions of safe use*, or
 - (c) A determination of Generally Recognized as Safe (GRAS). Partial listings of substances with food uses that are GRAS may be found in 21 CFR 182 *Substances Generally Recognized as Safe*, 21 CFR 184 *Direct Food Substances Affirmed as Generally Recognized as Safe*, or 21 CFR 186 *Indirect Food Substances Affirmed as Generally Recognized as Safe for use in contact with food*, and in FDA's *Inventory of GRAS Notices*, or
 - (d) A prior sanction listed under 21 CFR 181 *Prior-Sanctioned Food Ingredients*, or
 - (e) An effective food contact notification, and
 - (3) Be applied only to hands and exposed portions of arms that are cleaned as specified under § 2-301.2.

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

2-302 Fingernail Maintenance

- (A) Food handlers must keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.
- (B) Except as provided in ¶ (C) of this section, or unless wearing intact gloves in good repair, a food handler may not wear fingernail polish or artificial fingernails when working with exposed food.
- (C) ¶ (B) of this section does not apply to food handlers such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

2-303 Jewelry Prohibition

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

2-304 Outer Clothing in Clean Condition

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

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

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

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

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

- (B)** A food handler may drink from a closed beverage container only when the container is handled to prevent contamination of:
 - (1)** The food handler's hands;
 - (2)** The container; and
 - (3)** Exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.
- (C)** A food establishment must fully comply with the Nevada Clean Indoor Air Act, NRS 202.2483.

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

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

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

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

2-402 Hair Restraint Effectiveness

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

2-403 Animal Handling Prohibition

- (A)** Except as specified in ¶ (B) of this section, food handlers must not care for or handle animals such as patrol dogs, service animals, or pets that are allowed as specified in Subparagraphs 6-501.14(B)(2)-(6).
- (B)** Food handlers with service animals may handle or care for their service animals and food handlers may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as specified under § 2-301.2 and ¶ 2-301.3(C).

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

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

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

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

2-601 Food Handler Safety Training Card Requirements

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

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

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

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

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

Chapter 3 Food

Parts

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3-1	Characteristics
Subpart	
3-101	Safe, Unadulterated, and Honestly Presented Condition

3-101 Safe, Unadulterated, and Honestly Presented Condition

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

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

3-201 Sources

3-201.1 Compliance with Food Law

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

- (E) Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in ¶ 3-401.1(C) must be:
 - (1) Obtained from a food processing establishment that, upon request by the purchaser, packages the steaks and labels them, to indicate that the steaks meet the definition of whole-muscle, intact beef, or
 - (2) Deemed acceptable by the Health Authority based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of whole-muscle, intact beef, and
 - (3) If individually cut in a food establishment:
 - (a) Cut from whole-muscle, intact beef that is labeled by a food processing establishment as specified in Subparagraph (E)(1) of this section or identified as specified in Subparagraph (E)(2) of this section,
 - (b) Prepared so they remain intact, and
 - (c) If packaged for undercooking in a food establishment, labeled as specified in Subparagraph (E)(1) of this section or identified as specified in (E)(2) of this section.
- (F) Meat and poultry that is not a ready-to-eat food and is in a packaged form when sold, offered or displayed for sale, or served, must be labeled to include safe handling instructions as specified in law, including 9 CFR 317.2(l) and 9 CFR 381.125(b).
- (G) Eggs that have not been specifically treated to destroy all viable *Salmonellae* must be labeled to include safe handling instructions as specified in law, including 21 CFR 101.17(h).

3-201.2 Food in a Hermetically Sealed Container

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

3-201.3 Fluid Milk and Milk Products

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

3-201.4 Fish

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

3-201.5 Molluscan Shellfish

- (A) Molluscan shellfish must be obtained from sources according to law and the requirements specified in the most recent version of the *National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish*.
- (B) Molluscan shellfish received in interstate commerce must be from sources that are listed in the FDA Interstate Certified Shellfish Shippers List.

3-201.6 Wild Mushrooms

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

3-201.7 Game Animals

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

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

3-202 Specifications for Receiving
3-202.1 Temperature

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

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

3-202.2 Additives

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

3-202.3 Eggs

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

3-202.4 Eggs and Milk Products, Pasteurized

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

3-202.5 Package Integrity

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

3-202.6 Ice

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

3-202.7 Shucked Shellfish, Packaging and Identification

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

3-202.8 Shellstock Identification

- (A) Shellstock must be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester or molluscan shellfish dealer that depurates, ships, or reships the shellstock, as specified in the *National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish*, and that list:
- (1) Except as specified under ¶ (C) of this section, on the harvester's tag or label, the following information in the following order:
 - (a) The harvester's identification number,
 - (b) The date of harvesting,
 - (c) The most precise identification of the harvest location or aquaculture site and the abbreviation of the name of the state or country in which the shellfish are harvested,
 - (d) The type and quantity of shellfish, and
 - (e) The following statement in bold, capitalized type: **“THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS”**, and
 - (2) Except as specified in ¶ (D) of this section, on each molluscan shellfish dealer's tag or label, the following information in the following order:
 - (a) The dealer's name and address, and the certification number,
 - (b) The original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish are harvested,
 - (c) The same information as specified for a harvester's tag under Subparagraphs (A)(1)(b)-(d) of this section, and
 - (d) The following statement in bold, capitalized type: **“THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS”**.

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

3-202.9 Shellstock, Condition

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

3-202.10 Juice Treated

Pre-packaged juice must:

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

3-203 Original Containers and Records

3-203.1 Molluscan Shellfish, Original Container

- (A) Except as specified in ¶¶ (B)—(D) of this section, molluscan shellfish must not be removed from the container in which they are received other than immediately before sale or preparation for service.
- (B) For display purposes, shellstock may be removed from the container in which they are received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer only when:
 - (1) The source of the shellstock on display is identified as specified under § 3-202.8 and recorded as specified under § 3-203.2, and
 - (2) The shellstock are protected from contamination.
- (C) Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request only when:

- (1) The labeling information for the shellfish on display as specified under § 3-202.7 is retained and correlated to the date when, or dates during which, the shellfish are sold or served, and
 - (2) The shellfish are protected from contamination.
- (D) Shucked shellfish may be removed from the container in which they were received and repacked in consumer self-service containers only when:
- (1) The labeling information for the shellfish is on each consumer self-service container as specified under § 3-202.7 and ¶¶ 3-602.1(A) and (B)(1)-(5),
 - (2) The labeling information as specified under § 3-202.7 is retained and correlated with the date when, or dates during which, the shellfish are sold or served,
 - (3) The labeling information and dates specified under Subparagraph (D)(2) of this section are maintained for 90 calendar days, and
 - (4) The shellfish are protected from contamination.

3-203.2 Shellstock, Maintaining Identification

- (A) Except as specified under Subparagraph (C)(2) of this section, shellstock tags or labels must remain attached to the container in which the shellstock are received until the container is empty.
- (B) The date when the last shellstock from the container is sold or served must be recorded on the tag or label.
- (C) The identity of the source of shellstock that are sold or served must be maintained by retaining tags or labels for 90 calendar days from the date that is recorded on the tag or label, as specified under ¶ (B) of this section, by:
 - (1) Using an approved record keeping system that keeps the tags or labels in chronological order correlated to the date that is recorded on the tag or label, as specified under ¶ (B) of this section, and
 - (2) If shellstock are removed from the tagged or labeled container:
 - (a) Preserving source identification by using a record keeping system as specified under Subparagraph (C)(1) of this section, and
 - (b) Ensuring that shellstock from one tagged or labeled container are not commingled with shellstock from another container with different certification numbers; different harvest dates; or different growing areas as identified on the tag or label before being ordered by the consumer.

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

3-301 Preventing Contamination by Employees

3-301.1 Preventing Contamination from Hands

- (A) Food handlers must wash their hands as specified under § 2-301.2.
- (B) Except when washing fruits and vegetables as specified under § 3-302.5 or as specified in ¶¶ (D) and (E), food handlers must not contact exposed, ready-to-eat food with their bare hands or arms and must use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.
- (C) Food handlers must minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.
- (D) ¶ (B) does not apply to a food handler that contacts exposed, ready-to-eat food with bare hands at the time the ready-to-eat food is being added as an ingredient to a food that:
 - (1) Contains a raw animal food and is to be cooked in the food establishment to heat all parts of the food to the minimum temperatures specified in ¶¶ 3-401.1(A)-(B) or § 3-401.2, or
 - (2) Does not contain a raw animal food but is to be cooked in the food establishment to heat all parts of the food to a temperature of at least 145 °F (63 °C).
- (E) Food handlers not serving a highly susceptible population may contact exposed, ready-to-eat food with their bare hands only when:
 - (1) The permit holder obtains prior approval from the Health Authority,
 - (2) Written procedures are maintained in the food establishment and made available to the Health Authority upon request that include:
 - (a) Each bare hand contact procedure must include a listing of the specific ready-to-eat foods that are touched by bare hands,
 - (b) Diagrams and other information showing that handwashing facilities, installed, located, equipped, and maintained as specified under §§ 5-203.1, 5-204.1, 5-205.1, 6-301.1, 6-301.2, and 6-301.3, are in an easily accessible location and in

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

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

3-301.2 Preventing Contamination when Tasting

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

3-302 Preventing Food and Ingredient Contamination

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

- (A)** Food must be protected from cross contamination by:
- (1)** Separating raw animal foods during storage, preparation, holding, and display from:
 - (a)** Raw ready-to-eat food including other raw animal food such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food such as fruits and vegetables,
 - (b)** Cooked ready-to-eat food, and
 - (c)** Fruits and vegetables before they are washed.
 - (d)** Except that frozen, commercially processed, and packaged raw animal food may be stored or displayed with or above frozen, commercially processed, and packaged, ready-to-eat food.
 - (2)** Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:
 - (a)** Using separate equipment for each type, or
 - (b)** Arranging each type of food in equipment so that cross contamination of one type with another is prevented, and
 - (c)** Preparing each type of food at different times or in separate areas,
 - (3)** Cleaning equipment and utensils as specified under § 4-602.1 and sanitizing as specified under § 4-702,
 - (4)** Except as specified under Subparagraph 3-501.5(B)(2) and in ¶ (B) of this section, storing food in packages, covered containers, or wrappings,
 - (5)** Cleaning hermetically sealed containers of food of visible soil before opening,
 - (6)** Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened,
 - (7)** Storing damaged, spoiled, or recalled food being held in the food establishment as specified under § 6-404, and
 - (8)** Separating fruits and vegetables, before they are washed as specified under § 3-302.5 from ready-to-eat food.
- (B)** Subparagraph (A)(4) of this section does not apply to:
- (1)** Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption,
 - (2)** Sections or slabs of raw meat or bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks,
 - (3)** Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks,

- (4) Food being cooled as specified under Subparagraph 3-501.5(B)(2), or
- (5) Shellstock.

3-302.2 Food Storage Containers, Identified with Common Name of Food

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

3-302.3 Pasteurized Eggs, Substitute for Raw Eggs for Certain Recipes

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

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

3-302.4 Protection from Unapproved Additives

- (A) Food must be protected from contamination that may result from the addition of, as specified in § 3-202.2:
 - (1) Unsafe or unapproved food or color additives, and
 - (2) Unsafe or unapproved levels of approved food and color additives.
- (B) A food handler must not:
 - (1) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B₁, or
 - (2) Except for grapes, serve or sell food specified under Subparagraph (B)(1) of this section that is treated with sulfiting agents before receipt by the food establishment.

3-302.5 Washing Fruits and Vegetables

- (A) Except as specified in ¶ (B) of this section and except for whole, raw fruits and vegetables that are intended for washing by the consumer before consumption, raw fruits and vegetables must be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for sale in ready-to-eat form.
- (B) Fruits and vegetables may be washed by using chemicals as specified under § 7-204.2.

- (C) Devices used for on-site generation of chemicals meeting the requirements specified in 21 CFR 173.315, *Chemicals used in washing or to assist in the peeling of fruits and vegetables*, for the washing of raw, whole fruits and vegetables must be used in accordance with the manufacturer's instructions.

3-303 Preventing Contamination from Ice Used as a Coolant

3-303.1 Ice Used as Exterior Coolant, Prohibited as Ingredient

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

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

- (A) Packaged food must not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice water.
- (B) Except as specified in ¶¶ (C)—(E) of this section, unpackaged food must not be stored in direct contact with undrained ice.
- (C) Whole, raw fruits, herbs or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.
- (D) Raw poultry and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.
- (E) Raw fish may be immersed in ice for storage.

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

3-304.1 Food Contact with Equipment and Utensils

Food must only contact surfaces of:

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

3-304.2 In-Use Utensils, Between-Use Storage

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

- (A) Except as specified under ¶ (B) of this section, in the food with their handles above the top of the food and the container,

- (B) In non- TCS food with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon,
- (C) On a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment are cleaned and sanitized at a frequency specified under §§ 4-602.1 and 4- 702.1,
- (D) In running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes,
- (E) In a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not a TCS food,
- (F) In a container of water if the water is maintained at a temperature of at least 135 °F (57 °C) and the container is cleaned at a frequency specified under Subparagraph 4- 602.1(D)(7), or
- (G) In a container of ice or water maintained at a temperature of 41 °F (5 °C) or lower, if the in-use utensils and the container are cleaned at a frequency specified under Subparagraph 4- 602.1(D)(6).

3-304.3 Linens and Napkins, Use Limitation

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

3-304.4 Wiping Cloths, Use Limitation.

- (A) Cloths in use for wiping food spills from tableware and carry-out containers that occur as food is being served must be:
 - (1) Maintained dry, and
 - (2) Used for no other purpose.
- (B) Cloths in use for wiping counters and other equipment surfaces must be:
 - (1) Held between uses in a chemical sanitizer solution at a concentration specified under § 4-501.14, and
 - (2) Laundered daily as specified under ¶ 4-802(D).
- (C) Cloths in use for wiping surfaces in contact with raw animal foods must be kept separate from cloths used for other purposes.
- (D) Dry wiping cloths and the chemical sanitizing solutions specified in Subparagraph (B)(1) of this section in which wet wiping cloths are held between uses must be free of food debris and visible soil.

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

3-304.5 Gloves, Use Limitation

- (A) If used, single-use gloves must be used for only one task such as working with ready-to-eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.
- (B) Except as specified in ¶ (C) of this section, slash-resistant gloves that are used to protect the hands during operations requiring cutting must be used in direct contact only with food that is subsequently cooked as specified under Part 3-4 of these regulations such as frozen food or a primal cut of meat.
- (C) Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves have a smooth, durable, and nonabsorbent outer surface; or if the slash-resistant gloves are covered with a smooth, durable, nonabsorbent glove, or a single-use glove.
- (D) Cloth gloves must not be used in direct contact with food unless the food is subsequently cooked as required under Part 3-4 of these regulations such as frozen food or a primal cut of meat.

3-304.6 Using Clean Tableware for Second Portions and Refills

- (A) Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container, food handlers must not use tableware, including single-service articles, soiled by the consumer, to provide second portions or refills.
- (B) Except as specified in ¶ (C) of this section, self-service consumers must not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment.
- (C) Drinking cups and containers may be reused by self-service consumers if refilling is a contamination-free process as specified under §§ 4-204.3(A), (B), and (D).

3-304.7 Refilling Returnables

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

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

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

- (A) Except as specified in ¶¶ (B) and (C) of this section, food must be protected from contamination by storing the food:
- (1) In a clean, dry location,
 - (2) Where it is not exposed to splash, dust or other contamination, and
 - (3) At least six inches (15 cm) above the floor.
- (B) Food in packages and working containers may be stored less than six inches (15 cm) above the floor on case lot handling equipment as specified under § 4-204.23.
- (C) Pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

3-305.2 Food Storage, Prohibited Areas

Food must not be stored:

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

3-305.3 Vended TCS Food, Original Container

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

3-305.4 Food Preparation

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

3-306 Preventing Contamination by Consumers

3-306.1 Food Display

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

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

3-306.2 Condiments, Protection

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

3-306.3 Consumer Self-Service Operations.

- (A) Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish must not be offered for consumer self-service. This paragraph does not apply to:
 - (1) Consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish,
 - (2) Ready-to-cook individual portions for immediate cooking and consumption on the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue, or
 - (3) Raw, frozen, shell-on shrimp, or lobster.

- (B) Consumer self-service operations for ready-to-eat foods must be provided with suitable utensils or effective dispensing methods that protect the food from contamination.
- (C) Consumer self-service operations, such as buffets and salad bars, must be monitored by food handlers trained in safe operating procedures.
- (D) A sign must be conspicuously posted to notify consumers to use a clean plate or container each time they serve themselves. The sign must also state that no eating is allowed while self-serving food and that consumers must only use the utensils provided to handle the food.

3-306.4 Returned Food and Re-Service of Food

- (A) Except as specified in ¶ (B) of this section, after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer must not be used, sold, offered or displayed for sale, or served.
- (B) Except as specified under ¶ 3-801(G), a container of food that is not TCS food may be re-served from one consumer to another if:
 - (1) The food is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine, or
 - (2) The food, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.

3-307 Preventing Contamination from Miscellaneous Sources of Contamination

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

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

3-401 Cooking
3-401.1 Raw Animal Foods

- (A) Except as specified under ¶ (B) and in ¶¶ (C) and (D) of this section, raw animal foods such as eggs, fish, meat, poultry, and foods containing these raw animal foods, must be cooked to heat all parts of the food to a temperature and for a time that complies with one of the following methods based on the food that is being cooked:

- (1) 145 °F (63 °C) or above for 15 seconds for:
- (a) Raw eggs that are broken and prepared in response to a consumer’s order and for immediate service, and
 - (b) Except as specified under Subparagraphs (A)(2) and (A)(3) and ¶ (B), and in ¶ (C) of this section, fish and intact meat including game animals commercially raised for food as specified under Subparagraph 3-201.7(A)(2),
- (2) 155 °F (68 °C) for 17 seconds or the temperature specified in the following chart that corresponds to the holding time for ratites, mechanically tenderized, and injected meats; the following if they are comminuted: fish, meat, game animals commercially raised for food as specified under Subparagraph 3-201.7(A)(1), and game animals under an inspection program as specified under Subparagraph 3-201.7(A)(2); and raw eggs that are not prepared as specified under Subparagraph (A)(1)(a) of this section:

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

,or

- (3) 165 °F (75 °C) or above for <1 second (instantaneous) for poultry, baluts, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, poultry, or ratites.
- (B) Whole meat roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham must be cooked:
- (1) As specified in the following chart, to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature:

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

¹ Holding time may include post oven heat rise.

, and

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

Oven Temperature Based on Roast Weight

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

¹ Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100% humidity.

- (C) A raw or undercooked whole-muscle, intact beef steak may be sold, offered or displayed for sale, or served in a ready-to-eat form if:
- (1) The food establishment serves a population that is not a highly susceptible population,
 - (2) The steak is labeled to indicate that it meets the definition of whole-muscle, intact beef as specified under ¶ 3-201.1(E), and
 - (3) The steak is cooked on both the top and bottom to a surface temperature of 145 °F (63 °C) or above and a cooked color change is achieved on all external surfaces.
- (D) A raw animal food such as raw eggs, raw fish, raw-marinated fish, raw molluscan shellfish, or steak tartare; or a partially-cooked food such as lightly-cooked fish, soft-cooked eggs, or rare meat other than whole-muscle, intact beef steaks as specified in ¶ (C) of this section, may be sold or served upon consumer request or selection in a ready-to-eat form only when:
- (1) As specified under ¶¶ 3-801(C)(1) and (2), the food establishment serves a population that is not a highly susceptible population,
 - (2) The food, if offered for sale or service by consumer selection from a children's menu, does not contain comminuted meat
 - (3) The consumer is informed as specified under § 3-603 that to ensure its safety, the food should be cooked as specified under ¶ (A) or (B) of this section, and
 - (4) The Health Authority grants a waiver from ¶ (A) or (B) of this section as specified in § 8-103.1 based on a HACCP plan that:
 - (a) Is submitted by the permit holder and approved as specified under § 8-103.2,
 - (b) Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe food, and

- (c) Verifies that equipment and procedures for food preparation and training of food handlers at the food establishment meet the conditions of the waiver.

3-401.2 Microwave Cooking

Raw animal foods cooked in a microwave oven must be:

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

3-401.3 Plant Food Cooking for Hot Holding

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

3-401.4 Non-Continuous Cooking of Raw Animal Foods

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

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

- (4) Describe how the foods, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as foods that must be cooked as specified under ¶ (D) of this section prior to being sold, offered or displayed for sale, or service, and
- (5) Describe how the foods, after initial heating but prior to cooking as specified under ¶ (D) of this section, are to be separated from ready-to-eat foods as specified under ¶ 3-302.1 (A).

3-402 Freezing
3-402.1 Parasite Destruction

- (A) Except as specified in ¶ (B) of this section, before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish must be:
 - (1) Frozen and stored at a temperature of -4 °F (-20 °C) or below for a minimum of 168 hours (7 days) in a freezer,
 - (2) Frozen at -31 °F (-35 °C) or below until solid and stored at -31 °F (-35 °C) or below for a minimum of 15 hours, or
 - (3) Frozen at -31 °F (-35 °C) or below until solid and stored at -4 °F (-20 °C) or below for a minimum of 24 hours.
- (B) Paragraph (A) of this section does not apply to:
 - (1) Molluscan shellstock,
 - (2) A scallop product consisting only of the shucked adductor muscle,
 - (3) Tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern), or
 - (4) Aquacultured fish, such as salmon, that:
 - (a) If raised in open water, are raised in net-pens, or
 - (b) Are raised in land-based operations such as ponds or tanks, and
 - (c) Are fed formulated feed, such as pellets, that contains no live parasites infective to the aquacultured fish.
 - (5) Fish eggs that have been removed from the skein and rinsed.

3-402.2 Records, Creation and Retention

- (A) Except as specified in ¶ 3-402.1(B) and ¶ (B) of this section, if raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, the PIC must record the freezing temperature and time to which the fish are subjected and must retain the

records of the food establishment for 90 calendar days beyond the time of service or sale of the fish.

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

3-402.3 Preparation for Immediate Service

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

3-403 Reheating for Hot Holding

- (A) Except as specified under ¶¶ (B) and (C) and in ¶ (E) of this section, TCS food that is cooked, cooled, and reheated for hot holding must be heated so that all parts of the food reach a temperature of at least 165 °F (74 °C) for 15 seconds.
- (B) Except as specified under ¶ (C) of this section, TCS food reheated in a microwave oven for hot holding must be heated so that all parts of the food reach a temperature of at least 165 °F (74 °C) and the food is rotated or stirred, covered, and allowed to stand covered for two minutes after reheating.
- (C) Ready-to-eat TCS food that has been commercially processed and packaged in a food processing plant that is inspected by the regulatory authority that has jurisdiction over the plant, must be heated to a temperature of at least 135 °F (57 °C) when being reheated for hot holding.
- (D) Reheating for hot holding as specified under ¶¶ (A)-(C) of this section must be done rapidly and the time the food is between 41 °F (5 °C) and the temperatures specified under ¶¶ (A)-(C) of this section must not exceed two hours.
- (E) Remaining unsliced portions of meat roasts that are cooked as specified under ¶ 3-401.1(B) may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under ¶ 3-401.1(B).

3-404 Treating Juice

Juice packaged in a food establishment must be:

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

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

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

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

Stored frozen foods must be maintained frozen.

3-501.2 TCS Food, Slacking

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

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

3-501.3 Thawing

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

- (A)** Under refrigeration that maintains the food temperature at 41 °F (5 °C) or below, or
- (B)** Completely submerged under running water:
 - (1)** At a water temperature of 70 °F (21 °C) or below,
 - (2)** With sufficient water velocity to agitate and float off loose particles in an overflow, and

- (3) For a period of time that does not allow thawed portions of ready-to-eat food to rise above 41 °F (5 °C), or
- (4) For a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified under ¶ 3-401.1(A) or (B) to be above 41 °F (5 °C), for more than four hours including:
 - (a) The time the food is exposed to the running water and the time needed for preparation for cooking, or
 - (b) The time it takes under refrigeration to lower the food temperature to 41 °F (5 °C),
- (C) As part of a cooking process if the food that is frozen is:
 - (1) Cooked as specified under ¶¶ 3-401.1(A) or (B) or § 3-401.2, or
 - (2) Thawed in a microwave oven and immediately transferred to conventional cooking equipment; or
- (D) Using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.

3-501.3.1 Thawing Reduced Oxygen Packaged Fish

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

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

3-501.4 Cooling

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

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

3-501.5 Cooling Methods

- (A) Cooling must be accomplished in accordance with the time and temperature criteria specified under § 3-501.4 by using one or more of the following methods based on the type of food being cooled:

- (1) Placing the food in shallow pans,
- (2) Separating the food into smaller or thinner portions,
- (3) Using rapid cooling equipment,
- (4) Stirring the food in a container placed in an ice water bath,
- (5) Using containers that facilitate heat transfer,
- (6) Adding ice as an ingredient, or
- (7) Other effective methods.

- (B) When placed in cooling or cold-holding equipment, food containers in which food is being cooled must be:

- (1) Arranged in the equipment to provide maximum heat transfer through the container walls, and
- (2) Loosely covered or uncovered if protected from overhead contamination as specified under Subparagraph 3-305.1(A)(2), during the cooling period to facilitate heat transfer from the surface of the food.

3-501.6 TCS Food, Hot and Cold Holding

- (A) Except during active preparation, cooking, or cooling, or when time is used as the public health control as specified under § 3-501.9, and except as specified under ¶¶ (B) — (D) of this section, TCS food must be maintained:

- (1) At 135 °F (57 °C) or above, except roasts cooked to a temperature and for a time specified in ¶ 3-401.1(B) or reheated as specified in ¶ 3-403.1(E) may be held at a temperature of 130 °F (54 °C) or above, or
- (2) At 41 °F (5 °C) or below.

- (B) Raw shell eggs must be stored in refrigerated equipment that maintains an ambient air temperature of 45 °F (7 °C) or below.

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

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

- (A) Except when packaging food using a reduced oxygen packaging method as specified under § 3-502.2, and except as specified in ¶¶ (E) and (F) of this section, refrigerated, ready-to-eat, TCS food prepared and held in a food establishment for more than 24 hours must be clearly marked to indicate the date or day by which the food must be consumed on the premises, sold, or discarded when held at a temperature of 41 °F (5 °C) or below for a maximum of seven calendar days. The day of preparation must be counted as day one.
- (B) Except as specified in ¶¶ (E)—(G) of this section, refrigerated, ready-to-eat TCS food prepared and packaged by a food processing plant must be clearly marked, at the time the original container is opened in a food establishment and if the food is held for more than 24 hours, to indicate the date or day by which the food must be consumed on the premises, sold, or discarded, based on the temperature and time combinations specified in ¶ (A) of this section and:
 - (1) The day the original container is opened in the food establishment must be counted as day one, and
 - (2) The day or date marked by the food establishment must not exceed a manufacturer’s use-by date if the manufacturer determined the use-by date based on food safety.
- (C) A refrigerated, ready-to-eat TCS food ingredient or a portion of a refrigerated, ready-to-eat, TCS food that is subsequently combined with additional ingredients or portions of food must retain the date marking of the earliest-prepared or first- prepared ingredient.
- (D) A date marking system that meets the criteria stated in ¶¶ (A) and (B) of this section may include:
 - (1) Using an approved method for refrigerated, ready-to-eat TCS food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine,
 - (2) Marking the date or day of preparation, in combination with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under ¶ (A) of this section,
 - (3) Marking the date or day the original container is opened in a food establishment, in combination with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under ¶ (B) of this section, or

- (4) Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the Health Authority upon request.
- (E) ¶¶ (A) and (B) of this section do not apply to individual meal portions served or re-packaged for sale from a bulk container upon a consumer's request.
- (F) ¶¶ (A) and (B) of this section do not apply to shellstock.
- (G) ¶ (B) of this section does not apply to the following foods prepared and packaged by a food processing plant inspected by a Regulatory Authority:
 - (1) Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with 21 CFR 110 *Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food*,
 - (2) Hard cheeses containing not more than 39% moisture as defined in 21 CFR 133 *Cheeses and Related Cheese Products*, such as cheddar, gruyere, parmesan and reggiano, and romano,
 - (3) Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, as defined in 21 CFR 133 *Cheeses and Related Cheese Products*, such as blue, edam, gorgonzola, gouda, and monterey jack,
 - (4) Cultured dairy products as defined in 21 CFR 131 *Milk and Cream*, such as yogurt, sour cream, and buttermilk,
 - (5) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 CFR 114 *Acidified Foods*,
 - (6) Shelf stable, dry fermented sausages, such as pepperoni and Genoa, and
 - (7) Shelf stable salt-cured products such as prosciutto and Parma (ham).

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

- (A) A food specified in ¶ 3-501.7(A) or (B) must be discarded if it:
 - (1) Exceeds the temperature and time combination specified in ¶ 3-501.7(A), except time that the product is frozen,
 - (2) Is in a container or package that does not bear a date or day, or
 - (3) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in ¶ 3-501.7(A).

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

3-501.9 Time as a Public Health Control

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

- (1)** Written procedures must be prepared in advance, maintained in the food establishment, and made available to the Health Authority upon request, and

- (2)** Written procedures must specify:

- (a)** Methods of compliance with Subparagraphs (B)(1)-(3) or (C)(1)-(5) of this section, and

- (b)** Methods of compliance with § 3-501.4 for food that is prepared, cooked, and refrigerated before time is used as a public health control.

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

- (1)** Except as specified in ¶(B)(2), the food must have an initial temperature of 41 °F (5 °C) or less when removed from cold holding temperature control, or 135 °F (57 °C) or greater when removed from hot holding temperature control,

- (2)** The food may have an initial temperature of 21 °C (70 °F) or below if;

- (a)** It is a ready-to-eat fruit or vegetable that upon cutting is rendered a TCS food as defined in ¶1-201.10(B), or

- (b)** It is a ready-to-eat hermetically sealed food that upon opening is rendered a TCS food as defined in ¶1-201.10(B),

- (c)** The food temperature does not exceed 21 °C (70 °F) within a maximum time period of 4 hours from the time it was rendered a TCS food; and

- (d)** The food is marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is rendered a TCS food as specified in sub¶¶'s (B)(2)(a) and (b) of this section.

- (3)** The food must be marked or otherwise identified to indicate the time that is four (4) hours past the point in time when the food is removed from temperature control;

- (4)** The food must be cooked and served, served at any temperature if ready-to-eat, or discarded, within four (4) hours from the point in time when the food is removed from temperature control; and

- (5)** The food in unmarked containers or packages or marked to exceed a four (4) hour limit, must be discarded.

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

3-502 Specialized Processing Methods
3-502.1 Waiver Requirement

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

- (A)** Smoking food as a method of food preservation rather than as a method of flavor enhancement,
- (B)** Curing food,
- (C)** Using food additives or adding components such as vinegar:
 - (1)** As a method of food preservation rather than as a method of flavor enhancement,

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

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

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

3-502.2 Reduced Oxygen Packaging Without a Waiver, Criteria

- (A) Except for a food establishment that obtains a waiver as specified under § 3-502.1, a food establishment that packages TCS food using a reduced oxygen packaging method must control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes*.
- (B) Except as specified under ¶ (F) of this section, a food establishment that packages TCS food using a reduced oxygen packaging method must implement a HACCP plan that contains the information specified under ¶¶ 8-201.4 (C), (D), and (E) and that:
 - (1) Identifies the food to be packaged,
 - (2) Except as specified under ¶¶ (C)—(E) of this section, requires that the packaged food must be maintained at 41 °F (5 °C) or below and meet at least one of the following criteria:
 - (a) Has an a_w of 0.91 or less,
 - (b) Has a pH of 4.6 or less,
 - (c) Is a meat or poultry product cured at a food processing plant regulated by the USDA using substances specified in 9 CFR 424.21, *Use of Food Ingredients and Sources of Radiation*, and is received in an intact package, or
 - (d) Is a food with a high level of competing organisms such as raw meat, raw poultry, or raw vegetables,

- (3)** Describes how the package must be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:
 - (a)** Maintain the food at 41 °F (5 °C) or below, and
 - (b)** Discard the food if within 30 calendar days of its packaging if it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption,
 - (4)** Limits the refrigerated shelf life to no more than 30 calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's sell by or use by date, whichever occurs first,
 - (5)** Includes operational procedures that:
 - (a)** Prohibit contacting ready-to-eat food with bare hands as specified under ¶ 3-301.1(B),
 - (b)** Identify a designated work area and the method by which:
 - (i)** Physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination, and
 - (ii)** Access to the processing equipment is limited to responsible trained personnel familiar with the potential hazards of the operation, and
 - (c)** Delineate cleaning and sanitization procedures for food-contact surfaces, and
 - (6)** Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the :
 - (a)** Concepts required for a safe operation,
 - (b)** Equipment and facilities, and
 - (c)** Procedures specified under Subparagraph (B)(5) of this section and ¶¶ 8-201.4 (C) and (E).
 - (7)** Is provided to the Health Authority prior to implementation as specified under ¶ 8-201.3(B).
- (C)** Except for fish that is frozen before, during, and after packaging and bears a label indicating that it is to be kept frozen until time of use, a food establishment must not package fish using a reduced oxygen packaging method.
 - (D)** Except as specified under ¶ (C) and ¶ (F) of this section, a food establishment that packages TCS food using a cook-chill or sous vide process must:
 - (1)** Provide a HACCP plan that contains the information as specified under ¶¶ 8-201.4(C), (D), and (E) to the Health Authority prior to implementation,
 - (2)** Ensure the food is:

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

Standards of Identity as specified in 21 CFR 133.150 *Hard Cheeses*, 21 CFR 133.169 *Pasteurized Process Cheese* or 21 CFR 133.187 *Semisoft Cheeses*,

- (2) Have a HACCP plan that contains the information specified under ¶¶ 8-201.4(C) and (E) and as specified under ¶¶ (B)(1), (B)(3)(a), (B)(5) and (B)(6) of this section,
 - (3) Label the package on the principal display panel with a use-by date that does not exceed 30 calendar days from its packaging or the original manufacturer's sell-by or use-by date, whichever occurs first, and
 - (4) Discards the reduced oxygen packaged cheese if it is not sold for off-premises consumption or consumed within 30 calendar days of its packaging.
- (F) A HACCP plan is not required when a food establishment uses a reduced oxygen packaging method to package TCS food that is always:
- (1) Labeled with the production time and date,
 - (2) Held at 41 °F (5 °C) or below during refrigerated storage, and
 - (3) Removed from its package in the food establishment within 48 hours after packaging.

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

3-601 Accurate Representation
3-601.1 Standards of Identity

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

3-601.2 Honestly Presented

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

3-602 Labeling
3-602.1 Food Labels

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

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

3-602.2 Other Forms of Information

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

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

(A) Except as specified in ¶ 3-401.1(C) and under ¶ 3-801(C), if an animal food such as beef, eggs, fish, lamb, pork, poultry, or shellstock is sold, offered for sale, or served raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat food, the food establishment must inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and a reminder, as specified in ¶¶ (B) and (C) of this section using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.

(B) The disclosure must include:

- (1) A description of the animal-derived food, such as “oysters on the half shell (raw oysters)”, “raw-egg Caesar salad”, and “hamburgers (can be cooked to order)”, or
- (2) Identification of the animal-derived foods by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain), raw or undercooked ingredients.

(C) The reminder must include asterisking the animal-derived foods requiring disclosure to a footnote that states:

- (1) Regarding the safety of these items, written information is available upon request,
- (2) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, or
- (3) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

3-7	Contaminated Food
Subpart	
3-701	Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food

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

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

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

3-801 Pasteurized Foods, Prohibited Re-Service, and Prohibited Food

In a food establishment that serves a highly susceptible population:

- (A) The following criteria apply to juice:
 - (1) For the purposes of paragraph (A) only, children who are age 9 or less and receive food in a school, daycare, or similar facility that provides custodial care are included as highly susceptible populations,
 - (2) Prepackaged juice or a prepackaged beverage containing juice, that bears a warning label as specified in 21 CFR, 101.17(g) *Food Labeling, Warning, Notice, and Safe Handling Statements*, Juices that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens must not be sold, offered or displayed for sale, or served,
 - (3) Packaged juice or a packaged beverage containing juice, that bears a warning label as specified under ¶ 3-404(B) must not be sold, offered or displayed for sale, or served, and
 - (4) Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form must be processed under a HACCP plan that contains the information specified under ¶¶ 8-201.4(C)—(E) and as specified in 21 CFR Part 120 *Hazard Analysis and Critical Control Point (HACCP) Systems*, including, without limitation, Subpart B Pathogen Reduction and 21 CFR 120.24 *Process controls*.
- (B) Pasteurized eggs or egg products must be substituted for raw eggs in the preparation of:
 - (1) Foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages, and

- (2) Except as specified in ¶ (F) of this section, recipes in which more than one egg is broken and the eggs are combined,
- (C) The following foods must not be sold, offered or displayed for sale, or served in a ready-to-eat form:
- (1) Raw animal foods such as raw fish, raw-marinated fish, raw molluscan shellfish, and steak tartare,
 - (2) A partially cooked animal food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw eggs, and meringue, and
 - (3) Raw seed sprouts.
- (D) Food handlers must not contact ready-to-eat food as specified under ¶¶ 3-301.1(B) and (E).
- (E) Time only, as the public health control as specified under ¶ 3-501.9(D), must not be used for raw eggs.
- (F) Subparagraph (B)(2) of this section does not apply if:
- (1) The raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified under Subparagraph 3-401.1(A)(1), and served immediately, such as an omelet, soufflé, or scrambled eggs,
 - (2) The raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin, or bread, or
 - (3) The preparation of the food is conducted under a HACCP plan that:
 - (a) Identifies the food to be prepared,
 - (b) Prohibits contacting ready-to-eat food with bare hands,
 - (c) Includes specifications and practices that ensure:
 - (i) *Salmonella* Enteritidis growth is controlled before and after cooking, and
 - (ii) *Salmonella* Enteritidis is destroyed by cooking the eggs according to the temperature and time specified in Subparagraph 3-401.1(A)(2),
 - (d) Contains the information specified under ¶ 8-201.4(D) including procedures that:
 - (i) Control cross-contamination of ready-to-eat food with raw eggs, and
 - (ii) Delineate cleaning and sanitization procedures for food-contact surfaces, and
 - (e) Describes the training program that ensures that the food handler responsible for the preparation of the food understands the procedures to be used.

- (G)** Except as specified in ¶ (H) of this section, food may be re-served as specified under Subparagraph 3-306.4(B)(1) and (2).
- (H)** Food must not be re-served under the following conditions:
 - (1)** Any food served to patients or clients who are under contact precautions in medical isolation or quarantine, or protective environment isolation must not be re-served to others outside.
 - (2)** Packages of food from any patients, clients, or other consumers should not be re-served to persons in protective environment isolation.

Chapter 4 Equipment, Utensils, and Linens

Parts

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

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

- 4-101 Multiuse
- 4-101.1 Characteristics

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

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

4-101.2 Cast Iron, Use Limitation

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

4-101.3 Lead, Use Limitation

- (A) Ceramic, china and crystal utensils, including, without limitation, hand painted ceramic or china that are used in contact with food must be lead-free or contain levels of lead not exceeding the limits in the following utensil categories:

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

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

4-101.4 Copper, Use Limitation

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

4-101.5 Galvanized Metal, Use Limitation

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

4-101.6 Sponges, Use Limitation

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

4-101.7 Wood, Use Limitation

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

- (1) Cutting boards; cutting blocks; bakers' tables; and utensils such as rolling pins, doughnut dowels, salad bowls, and chopsticks, and
 - (2) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 230 °F (110 °C) or above.
- (D) Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.
- (E) If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:
- (1) Untreated wood containers, or
 - (2) Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 *Preservatives for wood*.

4-101.8 Nonstick Coatings, Use Limitation

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

4-101.9 Nonfood-Contact Surfaces

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

4-102 Single-Service and Single-Use Characteristics

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

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

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

4-201 Durability and Strength
4-201.1 Equipment and Utensils

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

4-201.2 Food Temperature Measuring Devices

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

4-202 Cleanability
4-202.1 Food-Contact Surfaces

(A) Multiuse food-contact surfaces must be:

- (1)** Smooth,
- (2)** Free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections,
- (3)** Free of sharp internal angles, corners, and crevices,
- (4)** Finished to have smooth welds and joints, and
- (5)** Except as specified in ¶ (B) of this section, accessible for cleaning and inspection by one of the following methods:
 - (a)** Without being disassembled,
 - (b)** By disassembling without the use of tools, or
 - (c)** By easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, open-end wrenches, and Allen wrenches.

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

4-202.2 CIP Equipment

- (A) CIP equipment must meet the characteristics specified under § 4-202.1 and must be designed and constructed so that:
 - (1) Cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces, and
 - (2) The system is self-draining or capable of being completely drained of cleaning and sanitizing solutions, and
- (B) CIP equipment that is not designed to be disassembled for cleaning must be designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.

4-202.3 V Threads, Use Limitation

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

4-202.4 Hot Oil Filtering Equipment

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

4-202.5 Can Openers

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

4-202.6 Nonfood-Contact Surfaces

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

4-202.7 Kick Plates, Removable

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

4-202.8 Ventilation Hood Systems, Filters

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

4-202.9 Shelving

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

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

4-203 Accuracy

4-203.1 Temperature Measuring Devices, Food

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

4-203.2 Temperature Measuring Devices, Ambient Air and Water

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

4-203.3 Pressure Measuring Devices, Mechanical Warewashing Equipment

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

4-204 Functionality

4-204.1 Ventilation Hood Systems, Drip Prevention

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

4-204.2 Equipment Openings, Closures and Deflectors

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

4-204.3 Dispensing Equipment, Protection of Equipment and Food

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

- (A) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food must be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food,
- (B) The delivery tube, chute, and orifice must be protected from manual contact such as by being recessed,
- (C) The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers must be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the equipment is:
 - (1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment, or
 - (2) Available for self-service during hours when it is not under the full-time supervision of a food handler, and
- (D) The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment must be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.
- (E) Dispensing equipment in which TCS food in a homogenous liquid form is maintained outside of the temperature control requirements as specified under §3-501.6(A) must:

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

4-204.4 Beverage Tubing, Separation

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

4-204.5 Ice Units, Separation of Drains

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

4-204.6 Condenser Unit, Separation

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

4-204.7 Molluscan Shellfish Tanks

- (A) Except as specified under ¶ (B) of this section, molluscan shellfish life support system display tanks must not be used to store or display shellfish that are offered for human consumption and must be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.
- (B) Molluscan shellfish life-support system display tanks that are used to store or display shellfish that are offered for human consumption must be operated and maintained in accordance with a waiver granted by the Health Authority as specified in § 8-103.1 and a HACCP plan that :
 - (1) Is submitted by the permit holder and approved as specified under § 8-103.2, and
 - (2) Ensures that:
 - (a) Water used with fish other than molluscan shellfish does not flow into the molluscan tank,
 - (b) The safety and quality of the shellfish as they were received are not compromised by the use of the tank, and
 - (c) The identity of the source of the shellstock is retained as specified under § 3-202.9.

4-204.8 Temperature Measuring Devices

- (A) In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device must be located to measure the air temperature or a simulated product temperature in

the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.

- (B) Except as specified in ¶ (C) of this section, cold or hot holding equipment used for TCS food must be designed to include and must be equipped with at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.
- (C) Paragraph (B) of this section does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment, such as calrod units, heat lamps, cold plates, bainmaries, steam tables, insulated food transport containers, and salad bars.
- (D) Temperature measuring devices must be designed to be easily readable.
- (E) Food temperature measuring devices and water temperature measuring devices on warewashing machines must have a numerical scale, printed record, or digital readout in increments no greater than 2 °F or 1 °C in the intended range of use.

4-204.9 Warewashing Machine, Data Plate Operating Specifications

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

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

4-204.10 Warewashing Machines, Internal Baffles

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

4-204.11 Warewashing Machines, Temperature Measuring Devices

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

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

4-204.12 Manual Warewashing Equipment, Heaters and Baskets

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

- (A) Designed with an integral heating device that is capable of maintaining water at a temperature not less than 171 °F (77.2 °C), and
- (B) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

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

A warewashing machine that is installed after adoption of these regulations by the Health Authority, must be equipped to:

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

4-204.14 Warewashing Machines, Flow Pressure Device

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

4-204.15 Warewashing Sinks and Drainboards, Self-Draining

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

4-204.16 Equipment Compartments, Drainage

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

4-204.17 Vending Machine, Vending Stage Closure

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

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

4-204.18 Vending Machines, Automatic Shutoff

- (A) A machine vending TCS food must have an automatic control that prevents the machine from vending food:
 - (1) If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain food temperatures as specified under Chapter 3, and
 - (2) If a condition specified under Subparagraph (A)(1) of this section occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under Chapter 3.
- (B) When the automatic shutoff within a machine vending TCS food is activated:
 - (1) In a refrigerated vending machine, the ambient air temperature must not exceed 41 °F (5 °C) for more than 30 minutes immediately after the machine is filled, serviced, or restocked, or
 - (2) In a hot holding vending machine, the ambient air temperature must not be less than 135 °F (57 °C) for more than 120 minutes immediately after the machine is filled, serviced, or restocked.

4-204.19 Vending Machines, Liquid Waste Products

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

4-204.20 Vending Machine Doors and Openings

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

4-204.21 Can Openers on Vending Machines

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

4-204.22 Bearings and Gear Boxes, Leakproof

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

4-204.23 Case Lot Handling Apparatuses, Movability

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

4-205 Acceptability of Food Equipment, Certification and Classification

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

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

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

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

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

4-301.2 Manual Warewashing, Sink Compartment Requirements

- (A) Except as specified in ¶¶ (C) and (D) of this section, a sink with at least three-compartments and an integral self-draining drainboard on each end, must be provided in each food establishment in which warewashing and sanitizing equipment and utensils is required.
- (B) Sink compartments must be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment as specified in ¶ (C) of this section must be used.
- (C) Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved. Alternative manual warewashing equipment may include:
 - (1) High-pressure detergent sprayers,
 - (2) Low- or line-pressure spray detergent foamers,
 - (3) Other task-specific cleaning equipment,
 - (4) Brushes or other implements,
- (D) Satellite areas operated by the same person within a food establishment may operate without a three-compartment sink if there is a three-compartment sink available for use within 600 feet of the satellite area and the satellite area:

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

4-301.3 Drainboards

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

4-301.4 Ventilation Hood Systems, Adequacy

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

4-301.5 Clothes Washers and Dryers

- (A) Except as specified in ¶ (B) of this section, if work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer must be provided and used.
- (B) If on-premises laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified under § 4-901.2, a mechanical clothes washer and dryer need not be provided.

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

4-302.1 Utensils, Consumer Self-Service

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

4-302.2 Food Temperature Measuring Devices

- (A) Food temperature measuring devices must be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified under Chapter 3.
- (B) A food temperature measuring device with a suitable small-diameter probe that is designed to measure the temperature of thin masses must be provided and readily accessible to accurately measure the temperature in thin foods such as meat patties and fish filets.

4-302.3 Temperature Measuring Devices, Manual and Mechanical Warewashing

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

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

4-302.4 Sanitizing Solutions, Testing Devices

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

4-303 Availability of Cleaning Agents and Sanitizers

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

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

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

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

- (B) A storage cabinet used for linens or single-service or single-use articles may be stored in a locker room.
- (C) If a mechanical clothes washer or dryer is provided, it must be located so that the washer or dryer is protected from contamination and only where there is no exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

4-402 Installation

4-402.1 Fixed Equipment, Spacing or Sealing

- (A) Equipment that is fixed because it is not easily movable must be installed so that it is:
 - (1) Spaced to allow access for cleaning along the sides, behind, and above the equipment,
 - (2) Spaced from adjoining equipment, walls, and ceilings a distance of not more than one thirty-second inch or 1 millimeter, or
 - (3) Sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.
- (B) Counter-mounted equipment that is not easily movable must be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:
 - (1) Sealed, or
 - (2) Elevated on legs as specified under ¶ 4-402.2(D).

4-402.2 Fixed Equipment, Elevation or Sealing

- (A) Except as specified in ¶¶ (B) and (C) of this section, floor-mounted equipment that is not easily movable must be sealed to the floor or elevated on legs that provide at least a 6-inch (15 centimeter) clearance between the floor and the equipment.
- (B) If no part of the floor under the floor-mounted equipment is more than 6 inches (15 centimeters) from the point of cleaning access, the clearance space may be only 4 inches (10 centimeters).
- (C) This section does not apply to display shelving units, display refrigeration units, and display freezer units located in the consumer shopping areas of a retail food store, if the floor under the units is maintained clean.
- (D) Except as specified in ¶ (E) of this section, counter-mounted equipment that is not easily movable must be elevated on legs that provide at least a 4-inch (10 centimeter) clearance between the table and the equipment.
- (E) The clearance space between the table and counter-mounted equipment may be:
 - (1) 3 inches (7.5 centimeters) if the horizontal distance of the tabletop under the

equipment is no more than 20 inches (50 centimeters) from the point of access for cleaning, or

- (2) 2 inches (5 centimeters) if the horizontal distance of the tabletop under the equipment is no more than 3 inches (7.5 centimeters) from the point of access for cleaning.

4-5	Maintenance and Operation
Subparts	
4-501	Equipment
4-502	Utensils and Measuring Devices

4-501 Equipment
4-501.1 Good Repair and Proper Adjustment

- (A) Equipment must be maintained in a state of repair and condition that meets the requirements specified under Parts 4-1 and 4-2 of these regulations.
- (B) Equipment components such as doors, seals, hinges, fasteners, and kick plates must be kept intact, tight, and adjusted in accordance with manufacturer's specifications.
- (C) Cutting or piercing parts of can openers must be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.

4-501.2 Cutting Surfaces

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

4-501.3 Microwave Ovens

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

4-501.4 Warewashing Equipment, Cleaning Frequency

A warewashing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards as specified under § 4-301.3 must be cleaned:

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

4-501.5 Warewashing Machines, Manufacturers' Operating Instructions

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

4-501.6 Warewashing Sinks, Use Limitation

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

4-501.7 Warewashing Equipment, Cleaning Agents

When used for warewashing, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual warewashing equipment as specified in ¶ 4-301.2(C), must contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner, or other cleaning agent according to the cleaning agent manufacturer's label instructions.

4-501.8 Warewashing Equipment, Clean Solutions

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

4-501.9 Manual Warewashing Equipment, Wash Solution Temperature

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

4-501.10 Mechanical Warewashing Equipment, Wash Solution Temperature

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

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

4-501.11 Manual Warewashing Equipment, Hot Water Sanitization Temperatures

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

4-501.12 Mechanical Warewashing Equipment, Hot Water Sanitization Temperatures

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

4-501.13 Mechanical Warewashing Equipment, Sanitization Pressure

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

4-501.14 Manual and Mechanical Warewashing Equipment, Chemical Sanitization-Temperature, pH, Concentration, and Hardness

A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at contact times specified under ¶4-702(C) must meet the criteria specified under §7-204.1 Sanitizers, Criteria, must be used in accordance with the EPA-registered label use instructions, and must be used as follows:

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

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

- (B) An iodine solution must have a:

- (1) Minimum temperature of 68 °F (20 °C),
 - (2) pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective, and
 - (3) Concentration between 12.5 MG/L and 25 MG/L,
- (C) A quaternary ammonium compound solution must:
- (1) Have a minimum temperature of 75 °F (24 °C),
 - (2) Have a concentration as specified under § 7-204.1 and as indicated by the manufacturer's use directions included in the labeling, and
 - (3) Be used only in water with 500 MG/L hardness or less or in water having a hardness no greater than specified by the EPA-registered label use instructions,
- (D) If another solution of a chemical specified under ¶¶ (A)-(C) of this section is used, the permit holder must demonstrate to the Health Authority that the solution achieves sanitization and the use of the solution must be approved,
- (E) If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it must be applied in accordance with the EPA-registered label use instructions, and
- (F) If a chemical sanitizer is generated by a device located on-site at the food establishment it must be used as specified in ¶¶(A)-(D) of this section and must be produced by a device that:
- (1) Complies with Regulation as specified in §§ 2(q)(1) and 12 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
 - (2) Complies with 40 CFR 152.500 *Requirement for Devices* and 40 CFR 156.10 *Labeling requirements*,
 - (3) Displays the EPA device manufacturing facility registration number on the device, and
 - (4) Is operated and maintained in accordance with manufacturer's instructions.

4-501.15 Manual Warewashing Equipment, Chemical Sanitization Using Detergent-Sanitizers

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

4-501.16 Warewashing Equipment, Determining Chemical Sanitizer Concentration

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

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

- (A) Utensils must be maintained in a state of repair or condition that complies with the requirements specified under Parts 4-1 and 4-2 or must be discarded.
- (B) Food temperature measuring devices must be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.
- (C) Ambient air temperature, water pressure, and water temperature measuring devices must be maintained in good repair and be accurate within the intended range of use.

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

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

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

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

4-502.4 Shells, Use Limitation

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

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

4-601 Cleaning Objective for Equipment, Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils

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

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

- (A) Equipment, food-contact surfaces, and utensils must be cleaned:
- (1) Except as specified in ¶ (B) of this section, before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry,
 - (2) Each time there is a change from working with raw foods to working with ready-to-eat foods,
 - (3) Between uses with raw fruits and vegetables and with TCS food,
 - (4) Before using or storing a food temperature measuring device, and
 - (5) At any time during the operation when contamination may have occurred.
- (B) Subparagraph (A)(1) of this section does not apply if the utensils and food-contact surfaces of equipment are in contact with a succession of different types of raw meat and poultry each requiring a higher cooking temperature as specified under § 3-401.1 than the previous type.
- (C) Except as specified in ¶ (D) of this section, if used with TCS food, utensils and food-contact surfaces of equipment must be cleaned throughout the day at least every four hours.
- (D) Surfaces of utensils and equipment contacting TCS food may be cleaned less frequently than every four hours if:
- (1) In storage, containers of TCS food and their contents are maintained at temperatures specified under Chapter 3 and the containers are cleaned when they are empty,
 - (2) Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one of the temperatures in the following chart and:
 - (a) The utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature, and

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

- (b) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the food establishment.

- (3)** Containers in serving situations such as salad bars, delis, and cafeteria lines that hold ready-to-eat TCS food that is maintained at the temperatures specified under Chapter 3, are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned at least every 24 hours,
- (4)** Temperature measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at temperatures specified under Chapter 3,
- (5)** Equipment is used for storage of packaged or unpackaged food, such as a reach-in refrigerator, and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues,
- (6)** The cleaning schedule is approved based on consideration of:

 - (a)** Characteristics of the equipment and its use,
 - (b)** The type of food involved,
 - (c)** The amount of food residue accumulation, and
 - (d)** The temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne illness, or
- (7)** In-use utensils are intermittently stored in a container of water in which the water is maintained at 135 °F (57 °C) or more and the utensils and container are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.
- (E)** Except when dry cleaning methods are used as specified under § 4-603.1, surfaces of utensils and equipment contacting food that is not TCS food must be cleaned:

 - (1)** At any time when contamination may have occurred,
 - (2)** At least every 24 hours for iced tea dispensers and consumer self-service utensils such as tongs, scoops, or ladles,
 - (3)** Before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers, and
 - (4)** In equipment such as beverage dispensing nozzles and enclosed components of equipment such as cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, and coffee bean grinders:

 - (a)** At a frequency specified by the manufacturer, or
 - (b)** At a frequency necessary to preclude accumulation of soil, scale, or microbial growth.
 - (5)** Equipment such as ice bins, ice makers, and water vending machines must be cleaned at a frequency necessary to preclude accumulation of soil, scale, or microbial growth.

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

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

4-602.2 Cooking and Baking Equipment

- (A)** The food-contact surfaces of cooking and baking equipment must be cleaned at least every 24 hours. This section does not apply to hot oil cooking and filtering equipment if it is cleaned as specified in Subparagraph 4-602.1(D)(6).
- (B)** The cavities and door seals of microwave ovens must be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.

4-602.3 Nonfood-Contact Surfaces

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

4-603 Methods

4-603.1 Dry Cleaning

- (A)** If used, dry cleaning methods such as brushing, scraping, and vacuuming must contact only surfaces that are soiled with dry food residues that are not TCS food.
- (B)** Cleaning equipment used in dry cleaning food-contact surfaces must not be used for any other purpose.

4-603.2 Precleaning

- (A)** Food debris on equipment and utensils must be scraped over a garbage receptacle or must be removed in a warewashing machine with a prewash cycle.
- (B)** If necessary for effective cleaning, utensils and equipment must be rinsed, presoaked, or scrubbed with abrasives.

4-603.3 Loading of Soiled Items, Warewashing Machines

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

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

4-603.4 Wet Cleaning

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

4-603.5 Washing, Procedures for Alternative Manual Warewashing Equipment

If washing in sink compartments or a warewashing machine is impractical such as when the equipment is fixed or the utensils are too large, washing must be done by using alternative manual warewashing equipment as specified in ¶ 4-301.2(C) in accordance with the following procedures:

- (A) Equipment must be disassembled as necessary to allow access of the detergent solution to all parts,
- (B) Equipment components and utensils must be scraped or rough cleaned to remove food particle accumulation, and
- (C) Equipment and utensils must be washed as specified under ¶ 4-603.4(A).

4-603.6 Rinsing Procedures

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

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

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

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

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

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

4-702 Hot Water and Chemical Sanitization Methods

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

- (A) Hot water manual operations by immersion for at least 30 seconds and as specified under § 4-501.11,
- (B) Hot water mechanical operations by being cycled through equipment that is set up as specified under §§ 4-501.5, 4-501.12, and 4-501.13 and achieving a utensil surface temperature of 160 °F (71 °C) as measured by an irreversible registering temperature indicator, or
- (C) Chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under § 4-501.14. Contact times must be consistent with those on EPA-registered label use instructions by providing:
 - (1) Except as specified under Subparagraph (C)(2) of this section, a contact time of at least ten (10) seconds for a chlorine solution specified under ¶ 4-501.14(A),
 - (2) A contact time of at least seven seconds for a chlorine solution of 50 mg/L that has a pH of 10 or less and a temperature of at least 100°F (38°C) or a pH of 8 or less and a temperature of at least 75°F (24°C),

- (3) A contact time of at least 30 seconds for other chemical sanitizing solutions, or
- (4) A contact time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields sanitization as defined in ¶ 1-201.

4-8	Laundering
Subparts	
4-801	Laundering Objective for Clean Linens
4-802	Frequency Specifications
4-803	Methods

4-801 Laundering Objective for Clean Linens

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

4-802 Frequency Specifications

- (A) Linens that do not come in direct contact with food must be laundered between operations if they become wet, sticky, or visibly soiled.
- (B) Cloth gloves used as specified in ¶ 3-304.5(D) must be laundered before being used with a different type of raw animal food such as beef, fish, lamb, pork or poultry.
- (C) Linens that are used as specified under § 3-304.3 and cloth napkins must be laundered between each use.
- (D) Wet wiping cloths must be laundered daily.
- (E) Dry wiping cloths must be laundered as necessary to prevent contamination of food and clean serving utensils.

4-803 Methods

4-803.1 Storage of Soiled Linens

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

4-803.2 Mechanical Washing

- (A) Except as specified in ¶ (B) of this section, linens must be mechanically washed.
- (B) In food establishments in which only wiping cloths are laundered as specified in ¶4- 301.5(B), the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths, or a warewashing or food preparation sink that is cleaned as specified under § 4-501.4.

4-803.3 Use of Laundry Facilities

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

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

4-901 Drying

4-901.1 Equipment and Utensils, Air-Drying Required

After cleaning and sanitizing, equipment and utensils:

- (A) Shall be air-dried or used after adequate draining as specified in the first paragraph of 40 CFR 180.940 *Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions)*, before contact with food, and
- (B) May not be cloth dried except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

4-901.2 Wiping Cloths, Air-Drying Locations

Wiping cloths laundered in a food establishment that does not have a mechanical clothes dryer as specified in ¶ 4-301.5(B) must be air-dried in a location and in a manner that prevents contamination of food, equipment, utensils, linens, and single-service and single-use articles and the wiping cloths. This section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified under § 4-501.14.

4-902 Lubricating and Reassembling

4-902.1 Food-Contact Surfaces

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

4-902.2 Equipment

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

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

- (A) Except as specified in ¶ (D) of this section, cleaned and sanitized equipment and utensils, laundered linens, and single-service and single-use articles must be stored:
- (1) In a clean, dry location,
 - (2) Where they are not exposed to splash, dust, or other contamination, and
 - (3) At least 6 inches (15 cm) above the floor.
- (B) Clean equipment and utensils must be stored as specified under ¶ (A) of this section and must be stored:
- (1) In a self-draining position that allows air drying, and
 - (2) Covered or inverted.
- (C) Single-service and single-use articles must be stored as specified under ¶(A) of this section and must be kept in the original protective package or stored by using other means that afford protection from contamination until used.
- (D) Items that are kept in closed packages may be stored less than 6 inches (15 cm) above the floor on dollies, pallets, racks, and skids that are designed as specified under § 4- 204.23.

4-903.2 Prohibitions

- (A) Except as specified in ¶ (B) of this section, cleaned and sanitized equipment and utensils, laundered linens, and single-service and single-use articles must not be stored:
- (1) In locker rooms,
 - (2) In restrooms,
 - (3) In garbage rooms,
 - (4) In mechanical rooms,
 - (5) Under sewer lines that are not shielded to intercept potential drips,
 - (6) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed,
 - (7) Under open stairwells, or
 - (8) Under other sources of contamination.

- (B) Laundered linens and single-service and single-use articles that are packaged or in a facility such as a cabinet may be stored in a locker room.

4-904 Preventing Contamination

4-904.1 Kitchenware and Tableware

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

4-904.2 Soiled and Clean Tableware

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

4-904.3 Preset Tableware

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

4-904.4 Rinsing Equipment and Utensils after Cleaning and Sanitizing

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

- (A) The rinse is applied directly from a potable water supply by a warewashing machine that is maintained and operated as specified under Subparts 4-204 and 4-501, and
- (B) The rinse is applied only after the equipment and utensils have been sanitized by the application of hot water or by the application of a chemical sanitizer solution whose EPA-registered label use instructions call for rinsing off the sanitizer after it is applied in a commercial warewashing machine.

Chapter 5 Water, Plumbing, and Waste

Parts

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

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

- 5-101 Source
- 5-101.1 Approved System

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

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

5-101.2 System Flushing and Disinfection

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

5-101.3 Bottled Drinking Water

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

- 5-102 Quality
- 5-102.1 Standards

Except as specified under § 5-102.2:

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

5-102.2 Non-Drinking Water

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

5-102.3 Sampling

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

5-102.4 Sample Report

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

5-103 Quantity and Availability

5-103.1 Capacity

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

5-103.2 Pressure

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

5-104 Distribution, Delivery, and Retention

5-104.1 System

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

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

5-104.2 Alternative Water Supply

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

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

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

5-201 Approved Materials

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

5-202 Design, Construction, and Installation
5-202.1 Approved System and Cleanable Fixtures

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

5-202.2 Handwashing Sink, Installation

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

5-202.3 Backflow Prevention, Air Gap

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

5-202.4 Backflow Prevention Device, Design Standard

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

5-202.5 Conditioning Device, Design

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

5-203 Numbers and Capacities

5-203.1 Handwashing Sinks

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

5-203.2 Toilets and Urinals

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

5-203.3 Service Sink

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

5-203.4 Backflow Prevention Device, When Required

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

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

5-203.5 Backflow Prevention Device, Carbonator

- (A) If not provided with an air gap as specified under §5-202.3, a dual check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 1 inch (100 mesh to 25.4 mm) must be installed upstream from a carbonating device and downstream from any copper in the water supply line.
- (B) A dual check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified under ¶ (A) of this section.

5-204 Location and Placement

5-204.1 Handwashing Sinks

A handwashing sink must be located:

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

5-204.2 Backflow Prevention Device, Location

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

5-204.3 Conditioning Device, Location

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

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

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

5-205.2 Prohibiting a Cross Connection

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

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

A device such as a water treatment device or backflow preventer must be scheduled for inspection and service in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions. Records demonstrating inspection and service must be maintained or obtained by the PIC and made available to the Health Authority upon request.

5-205.4 Water Reservoir of Fogging Devices, Cleaning

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

- (4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least 50 mg/L hypochlorite solution.

5-205.5 System Maintained in Good Repair

A plumbing system must be:

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

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

5-301 Approved Materials

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

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

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

A mobile water tank must be:

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

5-302.2 Inspection and Cleaning Port, Protected and Secured

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

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

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

5-302.3 V Type Threads, Use Limitation

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

5-302.4 Tank Vent, Protected

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

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

5-302.5 Inlet and Outlet, Sloped to Drain

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

5-302.6 Hose, Construction and Identification

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

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

5-303 Numbers and Capacities

5-303.1 Filter, Compressed Air

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

5-303.2 Protective Cover or Device

A cap and keeper chain, closed cabinet, closed storage tube, or other approved protective cover or device must be provided for a water inlet, outlet, and hose.

5-303.3 Mobile Food Establishment Tank Inlet

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

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

5-304 Operation and Maintenance
5-304.1 System Flushing and Sanitization

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

5-304.2 Using a Pump and Hoses, Backflow Prevention

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

5-304.3 Protecting Inlet, Outlet, and Hose Fitting

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

5-304.4 Tank, Pump, and Hoses, Dedication

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

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

5-401 Mobile Holding Tank
5-401.1 Capacity and Drainage

A sewage holding tank in a mobile unit must be:

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

5-402 Retention, Drainage, and Delivery

5-402.1 Establishment Drainage System

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

5-402.2 Backflow Prevention

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

5-402.3 Grease Interceptor

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

5-402.4 Conveying Sewage

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

5-402.5 Removing Mobile Unit Waste

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

5-402.6 Flushing a Waste Retention Tank

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

5-403 Disposal Facility

5-403.1 Approved Sewage Disposal System

Sewage must be disposed through an approved facility that is:

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

5-403.2 Other Liquid Wastes and Rainwater

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

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

5-501 Facilities on the Premises

5-501.1 Indoor Storage Area

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

5-501.2 Outdoor Storage Surface

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

5-501.3 Outdoor Enclosure

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

5-501.4 Receptacles

- (A) Except as specified in ¶ (B) of this section, receptacles and waste handling units for refuse, recyclables, and returnables and for use with materials containing food residue must be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent.
- (B) Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the food establishment, or within closed outside receptacles.

5-501.5 Receptacles in Vending Machines

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

5-501.6 Outside Receptacles

- (A) Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the food establishment must be designed and constructed to have tight-fitting lids, doors, or covers.
- (B) Receptacles and waste handling units for refuse and recyclables such as an on-site compactor must be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and under the unit, if the unit is not installed flush with the base pad.

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

- (A) Interior and exterior storage areas, enclosures, and receptacles used to hold refuse, recyclables, and returnables must be of sufficient capacity to prevent nuisance conditions.
- (B) A minimum of one receptacle must be provided in each area of the food establishment or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.
- (C) If disposable towels are used at handwashing lavatories, a waste receptacle must be located at each restroom sink or group of adjacent sinks.

5-501.8 Restroom Receptacle, Covered

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

5-501.9 Cleaning Implements and Supplies

- (A) Except as specified in ¶(B) of this section, suitable cleaning implements and supplies such as high-pressure pumps, hot water, steam, and detergent must be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables, and returnables.
- (B) If approved, off-premises-based cleaning services may be used.

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

- (A) An area designated for refuse, recyclables, returnables, and, except as specified in ¶(B) of this section, a redeeming machine for recyclables or returnables must be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles and a public health hazard or nuisance is not created.
- (B) A redeeming machine may be located in the packaged food storage area or consumer area of a food establishment if food, equipment, utensils, linens, and single-service and single-use articles

are not subject to contamination from the machines and a public health hazard or nuisance is not created.

- (C) The location of receptacles and waste handling units for refuse, recyclables, and returnables must not create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

5-501.11 Storing Refuse, Recyclables, and Returnables

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

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

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

5-501.13 Outside Storage Prohibitions

- (A) Except as specified in ¶ (B) of this section, refuse receptacles not meeting the requirements specified under ¶ 5-501.4(A) such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue must not be stored outside.
- (B) Cardboard or other packaging material that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

5-501.14 Covering Receptacles

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

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

5-501.15 Using Drain Plugs

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

5-501.16 Maintaining Refuse Areas and Enclosures

Storage areas and enclosures for refuse, recyclables, or returnables must be maintained clean and free of unnecessary items, as specified under § 6-501.15.

5-501.17 Cleaning Receptacles

- (A)** Receptacles and waste handling units for refuse, recyclables, and returnables must be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, or single-service and single-use articles, and wastewater must be disposed of as specified under § 5-402.4.

- (B)** Soiled receptacles and waste handling units for refuse, recyclables, and returnables must be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

5-502 Removal
5-502.1 Frequency

Refuse, recyclables, and returnables must be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

5-502.2 Receptacles or Vehicles

Refuse, recyclables, and returnables must be removed from the premises by way of:

- (A)** Portable receptacles that are constructed and maintained according to law, or

- (B)** A transport vehicle that is constructed, maintained, and operated according to law.

5-503 Community or Individual Facilities for Disposal and Recycling

Solid waste must be recycled or disposed of in an approved recycling or refuse facility; or disposed of in an individual refuse facility such as a landfill or incinerator which is sized, constructed, maintained, and operated according to law.

Chapter 6 Facilities

Parts

- 6-1 Materials for Construction and Repair
- 6-2 Design, Construction, and Installation
- 6-3 Numbers and Capacities
- 6-4 Location and Placement
- 6-5 Maintenance and Operation

6-1	Materials for Construction and Repair
Subparts	
6-101	Indoor Area Surface Characteristics
6-102	Outdoor Area Surface Characteristics

6-101 Indoor Area Surface Characteristics

- (A) Except as specified in ¶ (B) of this section, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use must be:
- (1) Smooth, durable, and easily cleanable for areas where food establishment operations are conducted,
 - (2) Closely woven and easily cleanable carpet where carpeted areas are allowed, and
 - (3) Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, restrooms, mobile unit servicing areas, and areas subject to flushing or spray cleaning methods.
- (B) In a Temporary food establishment:
- (1) If graded to drain, a floor may be concrete, machine-laid asphalt, dirt or gravel if it is covered with mats, removable platforms, duckboards, or other approved materials that are effectively treated to control dust and mud, and
 - (2) Walls and ceilings must be constructed of a material that protects the interior from the weather and windblown dust and debris.

6-102 Outdoor Area Surface Characteristics

- (A) The outdoor walking and driving areas must be surfaced with concrete, asphalt, gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.
- (B) Exterior surfaces of buildings and Mobile Units must be of weather-resistant materials.
- (C) Outdoor storage areas for refuse, recyclables, or returnables must be of materials specified under §§ 5-501.2 and 5-501.3.

6-2	Design, Construction, and Installation
Subparts	
6-201	Cleanability
6-202	Functionality

6-201 Cleanability
6-201.1 Floors, Walls, and Ceilings

Except as specified under § 6-201.4 and except for anti-slip floor coverings or applications that may be used for safety reasons, floors, floor coverings, walls, wall coverings, and ceilings must be designed, constructed, and installed so they are smooth, easily cleanable.

6-201.2 Floors, Walls, and Ceilings, Utility Lines

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

6-201.3 Floor and Wall Junctures, Coved, and Enclosed or Sealed

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

6-201.4 Floor Carpeting, Restrictions and Installation

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

secured by metal stripping or some other means.

6-201.5 Floor Covering, Mats and Duckboards

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

6-201.6 Wall and Ceiling Coverings and Coatings

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

6-201.7 Walls and Ceilings, Attachments

- (A) Except as specified in ¶ (B) of this section, attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall and ceiling mounted fans, decorative items, and other attachments must be easily cleanable and secured with no gaps.
- (B) In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

6-201.8 Walls and Ceilings, Studs, Joists, and Rafters

Except for temporary food establishments, studs, joists, and rafters must not be exposed in areas subject to moisture.

6-202 Functionality

6-202.1 Light Bulbs, Protective Shielding

- (A) Except as specified in ¶ (B) of this section, light bulbs must be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food, clean equipment, utensils, and linens; or unwrapped single-service and single-use articles.
- (B) Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages, if:
 - (1) The integrity of the packages cannot be affected by broken glass falling onto them; and
 - (2) The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.
- (C) An infrared or other heat lamp must be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

6-202.2 Heating, Ventilating, Air Conditioning System Vents

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

6-202.3 Insect Control Devices, Design and Installation

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

6-202.4 Restrooms, Enclosed

A restroom located within a food preparation area must be completely enclosed and provided with a tight fitting and self-closing door. The restroom must be adequately vented as required by the International Building Code.

6-202.5 Outer Openings, Protected

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

(D) Except as specified in ¶¶ (B) and (E) of this section, if the windows or doors of a food establishment, or of a larger structure within which a food establishment is located, are kept open for ventilation or other purposes or a temporary food establishment is not provided with windows and doors as specified under ¶ (A) of this section, the openings must be protected against the entry of insects and rodents by:

- (1)** 16 mesh to 1-inch (16 mesh to 25.4 mm) screens,
- (2)** Properly designed and installed air curtains to control flying insects, or
- (3)** Other effective means.

(E) Paragraph (D) of this section does not apply if flying insects and other pests are absent due to the location of the establishment or other limiting conditions.

6-202.6 Exterior Walls and Roofs, Protective Barrier

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

6-202.7 Outdoor Food Vending Areas, Overhead Protection

Except for machines that vend canned beverages, if located outside, a machine used to vend food must be provided with overhead protection.

6-202.8 Outdoor Servicing Areas, Overhead Protection

Servicing depot areas utilized for filling freshwater or the discharge of sewage or other liquid waste freshwater tanks must be provided with overhead protection unless otherwise protected using a closed system of hoses.

6-202.9 Outdoor Walking and Driving Surfaces, Graded to Drain

Exterior walking and driving surfaces must be graded to drain.

6-202.10 Outdoor Refuse Areas, Curbed and Graded to Drain

Outdoor refuse areas must be constructed in accordance with law and must be curbed and graded to a drain which collects and disposes of wastewater that results from the refuse and from cleaning the area and waste receptacles to the sanitary sewer or other approved sewer disposal system.

6-202.11 Private Homes and Living or Sleeping Quarters, Use Prohibition

A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters must not be used for conducting food establishment operations.

6-202.12 Living or Sleeping Quarters, Separation

Living or sleeping quarters located on the premises of a food establishment such as those provided for lodging registration clerks or resident managers must be separated from rooms and areas used for food establishment operations by complete partitioning and solid self-closing doors.

6-3	Numbers and Capacities
Subparts	
6-301	Handwashing Sinks
6-302	Toilets and Urinals
6-303	Lighting Intensity
6-304	Mechanical Ventilation
6-305	Designated Dressing Areas and Lockers
6-306	Availability of Service Sinks

6-301 Handwashing Sinks
6-301.1 Minimum Number

Handwashing sinks must be provided as specified under § 5-203.1.

6-301.2 Handwashing Cleanser, Availability

Each handwashing sink, or group of two adjacent handwashing sinks, must be provided with a supply of hand cleaning liquid or powder in an approved dispenser.

6-301.3 Hand Drying Provision

Each handwashing sink, or group of two adjacent handwashing sinks, must be provided with individual, disposable towels stored in a sanitary manner.

6-301.4 Handwashing Aids and Devices, Use Restrictions

A sink used for food preparation or utensil washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, must not be provided with the handwashing aids and devices required for a handwashing sink as specified under §§ 6-301.2 and 6-301.3 and ¶ 5-501.7(C).

6-301.5 Handwashing Signage

A sign or poster that notifies food handlers to wash their hands must be provided at all wall-mounted handwashing sinks used by food handlers and must be clearly visible to food handlers.

6-301.6 Disposable Towels, Waste Receptacle

A handwashing sink, or group of adjacent handwashing sinks, that is provided with disposable towels must be provided with an uncovered or hands-free waste receptacle as specified under ¶ 5-501.7(C).

6-302 Toilets and Urinals
6-302.1 Minimum Number

Toilets and urinals must be provided as specified under § 5-203.2.

6-302.2 Toilet Tissue, Availability

A supply of toilet tissue in a dispenser must be available at each toilet.

6-303 Lighting Intensity

The light intensity must be:

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

6-304 Mechanical Ventilation

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

6-305 Designated Dressing Areas and Lockers

- (A) Dressing rooms or dressing areas must be designated and used if employees routinely change their clothes in the establishment.
- (B) Lockers or other suitable facilities must be provided and used for the orderly storage of employees' clothing and other possessions, away from where food is prepared or unpackaged food is stored.

6-306 Availability of Service Sinks

A service sink or curbed cleaning facility must be provided as specified under ¶ 5-203.3(A).

6-4	Location and Placement
Subparts	
6-401	Conveniently Located Handwashing Sinks
6-402	Convenience and Accessibility of Toilet Rooms
6-403	Designated Areas for Employee Accommodations
6-404	Segregation and Location of Distressed Merchandise
6-405	Refuse, Recyclables, and Returnables Receptacles, Waste Handling Units, and Designated Storage Areas

6-401 Conveniently Located Handwashing Sinks

Handwashing sinks must be conveniently located as specified under § 5-204.1.

6-402 Convenience and Accessibility of Restrooms

Restrooms must be conveniently located and accessible to employees during all hours of operation.

6-403 Designated Areas for Employee Accommodations

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

6-404 Segregation and Location of Distressed Merchandise

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

6-405 Refuse, Recyclables, and Returnables Receptacles, Waste Handling Units, and Designated Storage Areas

Storage areas, enclosures, receptacles, and waste handling units for storage of refuse, recyclables, and returnables must be located as specified under § 5-501.10.

6-5	Maintenance and Operation
Subpart	
6-501	Premises, Structures, Attachments, and Fixtures—Methods

6-501 Premises, Structures, Attachments, and Fixtures—Methods
6-501.1 Repairing

Facilities must be maintained in good repair.

6-501.2 Cleaning, Frequency and Restrictions

- (A)** Facilities must be cleaned as often as necessary to keep them clean.
- (B)** Except for cleaning that is necessary because of a spill or other accident, cleaning must be done during periods when the least amount of food is exposed and the potential for cross-contamination is minimized.

6-501.3 Cleaning Floors, Dustless Methods

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

6-501.4 Cleaning Ventilation Systems, Nuisance and Discharge Prohibition

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

6-501.5 Cleaning Maintenance Tools, Preventing Contamination

Food preparation sinks, handwashing sinks, and warewashing equipment must not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of commercial or industrial wastewater such as mop water.

6-501.6 Drying Mops

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

6-501.7 Absorbent Materials on Floors, Use Limitation

Except as specified in ¶ 6-501.3(B), sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials must not be used on floors.

6-501.8 Cleaning of Plumbing Fixtures

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

6-501.9 Closing Restroom Doors

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

6-501.10 Controlling Pests

The premises must be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests must be controlled to eliminate their presence on the premises by:

- (A) Routinely inspecting incoming shipments of food and supplies,
- (B) Routinely inspecting the premises for evidence of pests,
- (C) Using methods, if pests are found, such as trapping devices or other means of pest control as specified under §§ 7-202.2, 7-206.2, and 7-206.3, and
- (D) Eliminating harborage conditions.

6-501.11 Removing Dead or Trapped Birds, Insects, Rodents, and Other Pests

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

6-501.12 Storing Maintenance Tools

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

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

6-501.13 Maintaining Premises, Unnecessary Items and Litter

The premises must be free of:

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

6-501.14 Prohibiting Animals

- (A) Except as specified in ¶¶ (B) and (C) of this section, live animals must not be allowed on the premises of a food establishment.

- (B)** Live animals may be allowed in the following situations if the contamination of food, grocery carts or baskets, dining tables or chairs, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result:
- (1)** Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems,
 - (2)** Patrol dogs accompanying police or security officers in offices, storage areas, and dining areas,
 - (3)** Sentry dogs running loose in outside fenced areas for security reasons,
 - (4)** Service animals as defined by NRS 426.097, and as provided by the Americans with Disabilities Act, controlled by the disabled employee or person in areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, if a health or safety hazard will not result from the presence or activities of the service animal,
 - (5)** Dogs in outdoor dining areas, which are accessible without passing through the food establishment, and the patrons and staff operate in accordance with a signed *Dogs in Outdoor Dining Areas Agreement* (Appendix C), and
 - (6)** Caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals in areas that are not used for food preparation, storage, sales, display, or dining.
- (C)** Live or dead fish bait must be stored where contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles cannot result.

Chapter 7 Poisonous or Toxic Materials

Parts

- 7-1 Labeling and Identification
- 7-2 Operational Supplies and Applications
- 7-3 Stock and Retail Sale

7-1	Labeling and Identification
Subparts	
7-101	Identifying Information on Original Containers
7-102	Common Name on Working Containers

7-101 Identifying Information on Original Containers

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

7-102 Common Name on Working Containers

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

7-2	Operational Supplies and Applications
Subpart	
7-201	Separation in Storage
7-202	Presence and Use
7-203	Poisonous or Toxic Material Container Prohibitions
7-204	Chemicals
7-205	Criteria for Lubricants with Incidental Food Contact
7-206	Pesticides
7-207	Medicines
7-208	Storage of First Aid Supplies
7-209	Storage of Other Personal Care Items

7-201 Separation in Storage

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

- (A) Separating the poisonous or toxic materials by spacing or partitioning, and
- (B) Locating the poisonous or toxic materials in a location that is not above food, equipment, utensils, linens, and single-service and single-use articles. This paragraph does not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for

availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

7-202 Presence and Use

7-202.1 Restriction

- (A) Only those poisonous or toxic materials that are required for the operation and maintenance of a food establishment, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, must be allowed in a food establishment.
- (B) Paragraph (A) of this section does not apply to packaged poisonous or toxic materials that are for retail sale.

7-202.2 Conditions of Use

Poisonous or toxic materials must be:

- (A) Used according to:
 - (1) Law and these regulations,
 - (2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a food establishment,
 - (3) The conditions of certification, if certification is required, for use of the pest control materials, and
 - (4) Additional conditions that may be established by the Health Authority, and
- (B) Applied so that:
 - (1) A hazard to employees or other persons is not constituted, and
 - (2) Contamination, including, without limitation, toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented, which, for a restricted-use pesticide, must be achieved by:
 - (a) Removing the items,
 - (b) Covering the items with impermeable covers or taking other appropriate preventive actions, and
 - (c) Cleaning and sanitizing equipment and utensils after the application.
- (C) A restricted-use pesticide must be applied only by an applicator certified by the State of Nevada in accordance with NAC Chapter 555 and 40 CFR 152, or an individual under the direct supervision of a certified applicator.

7-203 Poisonous or Toxic Material Container Prohibitions

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

7-204 **Chemicals**
7-204.1 **Sanitizers, Criteria**

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

- (A) Meet the requirements specified in 40 CFR 180.940 *Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions)*, or
- (B) Meet the requirements as specified in 40 CFR 180.2020 *Pesticide Chemicals Not Requiring a Tolerance or Exemption from Tolerance Non-food determinations*.

7-204.2 **Chemicals for Washing, Treatment, Storage and Processing Fruits and Vegetables, Criteria**

- (A) Chemicals, including those generated on-site, used to wash or peel raw, whole fruits and vegetables or used in the treatment, storage, and processing of fruits and vegetables must:
 - (1) Be an approved food additive listed for this intended use in 21 CFR 173 *Perfluorinated ion exchange membranes*, or
 - (2) Be generally recognized as safe (GRAS) for this intended use, or
 - (3) Be the subject of an effective food contact notification for this intended use (only effective for the manufacturer or supplier identified in the notification), and
 - (4) Meet the requirements in 40 CFR 156 *Labeling Requirements for Pesticides and Devices*.
- (B) Ozone as an antimicrobial agent used in the treatment, storage, and processing of fruits and vegetables in a food establishment must meet the requirements specified in 21 CFR 173.368 *Ozone*.

7-204.3 **Boiler Water Additives, Criteria**

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

7-204.4 **Drying Agents, Criteria**

Drying agents used in conjunction with sanitization must:

- (A) Contain only components that are listed as one of the following:
 - (1) GRAS for use in food as specified in 21 CFR 182 *Substances Generally Recognized as Safe*, or 21 CFR 184 *Direct Food Substances Affirmed as Generally Recognized as Safe*,

- (2) GRAS for the intended use as specified in 21 CFR 186 *Indirect Food Substances Affirmed as Generally Recognized as Safe*,
 - (3) GRAS for the intended use as determined by experts qualified in scientific training and experience to evaluate the safety of substances added, directly or indirectly, to food as described in 21 CFR 170.30 *Eligibility for classification as generally recognized as safe (GRAS)*,
 - (4) Subject of an effective Food Contact Notification as described in the Federal Food Drug and Cosmetic Act Section 409(h),
 - (5) Approved for use as a drying agent under a prior sanction as described in the Federal Food Drug and Cosmetic Act (FFDCA) § 201(s)(4),
 - (6) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR Parts 174-178, or
 - (7) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 *Threshold of regulation for substances used in food-contact articles*; and
- (B) When sanitization is with chemicals, the requirements under Subparagraph (A)(5), (A)(6), or (A)(7) of this section must be specifically for use with chemical sanitizing solutions.

7-205 Criteria for Lubricants with Incidental Food Contact

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

7-206 Pesticides

7-206.1 Restricted-Use Pesticides, Criteria

Restricted-use pesticides specified under ¶ 7-202.2(C) must meet the requirements specified in 40 CFR 152 Subpart I *Classification of Pesticides*.

7-206.2 Rodent Bait Stations and Snap Traps

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

7-206.3 Tracking-Powders, Pest Control Monitoring

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

7-207 Medicines
7-207.1 Restriction and Storage

- (A) Except for medicines that are stored or displayed for retail sale, only those medicines that are necessary for the health of employees may be allowed in a food establishment.
- (B) Medicines that are in a food establishment for the employees' use must be labeled as specified under § 7-101.1 and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

7-207.2 Refrigerated Medicines, Storage

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

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

7-208 Storage of First Aid Supplies

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

- (A) Labeled as specified under § 7-101, and
- (B) Stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, and linens, and single-service and single-use articles.

7-209 Storage of Other Personal Care Items

Except as specified under §§ 7-207.2 and 7-208, employees must store their personal care items in facilities as specified under ¶ 6-305.1 (B).

7-3	Stock and Retail Sale
Subpart	
7-301	Separation during Storage and Display

7-301 Separation During Storage and Display

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

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

Chapter 8 Compliance and Enforcement

Parts

- 8-1 Regulatory Applicability
- 8-2 Plan Submission and Approval
- 8-3 Permit to Operate
- 8-4 Inspection and Correction of Violations
- 8-5 Prevention of Foodborne Disease Transmission by Employees
- 8-6 Administrative, Hearing, and Appeals Process

8-1	Regulatory Applicability
Subparts	
8-101	Use for Intended Purpose—Public Health Protection
8-102	Additional Requirements for Preventing Health Hazards, Provision for Conditions Not Addressed
8-103	Waivers

8-101 Use for Intended Purpose -Public Health Protection

- (A) Existing facilities or equipment that were in use and approved before the effective date of these regulations will be considered compliant only when:
- (1) The facilities or equipment are in good repair and capable of being maintained in a sanitary condition,
 - (2) Food-contact surfaces comply with Subpart 4-101,
 - (3) The capacities of cooling, heating, and holding equipment comply with § 4-301.1, and
 - (4) The permit holder has not changed or substantially remodeled the facility.

8-102 Additional Requirements for Preventing Health Hazards, Provision for Conditions Not Addressed

- (A) If necessary to protect against public health hazards or nuisances, the Health Authority may impose specific requirements in addition to the requirements contained in these regulations.
- (B) The Health Authority must document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation must be provided to the permit applicant or permit holder and a copy must be maintained in the Health Authority's file for the food establishment.
- (C) If a food establishment objects to additional requirements imposed upon it, the permit holder may request a hearing before the Board of Health. In order to object and request a hearing, the permit holder must notify the Health Authority of its objection and desire for a hearing within five business days of the date documentation was sent pursuant to Subsection (B).

8-103 Waivers

8-103.1 Modifications and Waivers

The Health Authority may grant a waiver by modifying the requirements of these regulations if in the opinion of the Health Authority a health hazard or nuisance will be sufficiently mitigated. If the permit holder fails to meet the conditions of the waiver, the Health Authority may revoke the waiver. Waivers automatically terminate without further notice upon change of permit holder.

8-103.2 Documentation of Proposed Waiver and Justification

Before a waiver request is approved, the applicant must submit the following information to the Health Authority for consideration:

- (A) A statement citing the relevant regulation to be waived,
- (B) The reasons the regulation should be waived,
- (C) An analysis of the rationale for how potential health hazards and nuisances addressed by the relevant regulation will be alternatively mitigated,
- (D) A HACCP plan, if required as specified under ¶ 8-201.3(A), that includes the information specified under § 8-201.4 as it is relevant to the waiver requested, and,
- (E) Any other information necessary to explain how the potential health hazard or nuisance will be sufficiently mitigated.

8-103.3 Conformance with Approved Procedures

If the Health Authority grants a waiver as specified in § 8-103.1, or a HACCP plan is otherwise required as specified under § 8-201.3, the permit holder must:

- (A) Comply with the HACCP plans, procedures, and conditions that are submitted as specified under §8-201.4 and approved as a basis for the modification or waiver; and
- (B) Maintain and provide to the Health Authority, upon request, records specified under ¶¶ 8-201.4(D) and (E)(3) that demonstrate that the following are routinely employed,
 - (1) Procedures for monitoring the critical control points,
 - (2) Monitoring of the critical control points,
 - (3) Verification of the effectiveness of the operation or process, and
 - (4) Necessary corrective actions if there is failure at a critical control point.

8-2	Plan Submission and Approval
Subparts	
8-201	Facility and Operating Plans
8-202	Confidentiality of Trade Secrets
8-203	Construction Inspection and Approval—Preoperational Inspections

8-201 Facility and Operating Plans

8-201.1 When Plans are Required

A permit applicant or permit holder must submit properly prepared plans and specifications to the Health Authority for review and approval before:

- (A) The construction of a food establishment,
- (B) The conversion of an existing structure for use as a food establishment, or
- (C) The remodeling of a food establishment or a change of type of food establishment or food operation as specified under 8-302 if the Health Authority determines that plans and specifications are necessary to ensure compliance with these regulations,

8-201.2 Contents of the Plans and Specifications

The plans and specifications for a food establishment, including a food establishment specified under § 8-201.3, must include, as required by the Health Authority based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate conformance with these regulation provisions:

- (A) Intended menu,
- (B) Anticipated volume of food to be stored, prepared, and sold or served,
- (C) Proposed equipment layout, mechanical and plumbing schematics, construction materials, and finish and lighting schedules,
- (D) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications,
- (E) Evidence that standard procedures that ensure compliance with the requirements of these regulations are developed or are being developed, and
- (F) Other information, such as approvals from the building department, fire prevention, and the sewer authority, that may be required by the Health Authority for the proper review of the proposed construction, conversion or modification, and procedures for operating a food establishment.

8-201.3 When a HACCP Plan is Required

- (A)** Before engaging in an activity that requires a HACCP plan, a permit applicant or permit holder shall submit to the Health Authority for approval a HACCP plan as specified under § 8-201. 4 and the relevant provisions of this regulations if:
 - (1)** Approval of a HACCP plan is required according to law,
 - (2)** A waiver is required as specified under 3-502.1 or 4-204.7,

- (B)** Before engaging in reduced oxygen packaging without a waiver as specified under § 3-502.2, a permit applicant or permit holder will submit a HACCP plan to the Health Authority. The permit applicant or permit holder may engage in in reduced oxygen packaging without a waiver as specified under § 3-502.2 after the Health Authority’s acknowledgment of receipt for the required documentation.

8-201.4 Contents of a HACCP Plan

For a food establishment that is required under § 8-201.3 to have a HACCP plan, the permit applicant or permit holder must submit a properly prepared HACCP plan to the Health Authority that includes:

- (A)** General information such as the name of the permit applicant or permit holder, the food establishment address, and contact information,
- (B)** A categorization of the types of TCS foods that are to be controlled under the HACCP plan,
- (C)** A flow diagram or chart for specific food or category type that identifies:
 - (1)** Each step in the process, and
 - (2)** The steps that are critical control points,
- (D)** The ingredients, recipes or formulations, materials and equipment used in the preparation of each specific food or category type and methods and procedural control measures that address the food safety concerns involved,
- (E)** A critical control point summary for each specific food or category type that clearly identifies:
 - (1)** Each critical control point,
 - (2)** The significant hazards for each critical control point,
 - (3)** The critical limits for each critical control point,
 - (4)** The method and frequency for monitoring and controlling each critical control point by the designated food handler or the PIC,
 - (5)** Action to be taken by the designated food handler or PIC if the limits for each critical control point are not met,

- (6) The method and frequency for the PIC to routinely verify that the food handler is following the approved operating procedures and monitoring critical control points, and
 - (7) Records to be maintained by the PIC to demonstrate that the HACCP plan is properly operated and managed,
- (F) Supporting documents such as:
- (1) Food handler and supervisory training plan that addresses the food safety issues of concern;
 - (2) Copies of blank records forms that are necessary to implement the HACCP plan;
 - (3) Additional scientific data or other information supporting the determination that food safety is not compromised by the proposal.
- (G) Any other information required by the Health Authority.

8-202 Confidentiality of Trade Secrets

The Health Authority will not treat any information as confidential unless a request is made in writing identifying the information to be kept confidential, citations to relevant legal authority, and explanation why confidentiality outweighs the public interest in availability of information. A declaration outlining which information is intended to remain proprietary in nature must accompany the request for confidentiality and will be reviewed for compliance with Nevada law. A confirmation letter will be provided once it is approved.

8-203 Construction Inspection and Approval—Preoperational Inspections

The Health Authority must conduct one or more preoperational inspections to verify that the food establishment is constructed and equipped in accordance with the approved plans and approved modifications of those plans, has established standard operating procedures as specified under ¶ 8-201.2(E), and is in compliance with law and these regulations.

8-3	Permit to Operate
Subparts	
8-301	Prerequisite for Operation Requirement
8-302	Application Procedure
8-303	Permit Issuance
8-304	Conditions of Retention

8-301 Prerequisite for Operation Requirement

A person must not operate a food establishment without a valid permit to operate issued by the Health Authority.

8-302 Application Procedure

8-302.1 Submission 30 Calendar Days Before Proposed Opening

- (A) An applicant must submit an application for a permit at least 30 calendar days before the date planned for opening a food establishment or the expiration date of the current permit for an existing facility.

8-302.2 Form of Submission

- (A) A person desiring to operate a food establishment must submit to the Health Authority an application for a permit on a form provided by the Health Authority.
- (B) An application for a permit or waiver is subject to the following time constraints:
 - (1) Except as indicated in Subparagraph (2) of this section, applications expire 180 calendar days after the date the application is received by the Health Authority unless the Health Authority grants an extension before the expiration date.
 - (2) Permit applications issued in conjunction with the construction of new establishments or in conjunction with food establishments undergoing remodeling, expire one calendar year after the date the application is received by the Health Authority unless the Health Authority grants an extension before the expiration date.

8-302.3 Qualifications and Responsibilities of Applicants

To qualify for a permit, an applicant must:

- (A) Be an owner of the food establishment or an officer of the legal entity that is an owner of the food establishment,
- (B) Comply with the requirements of these regulations,
- (C) Demonstrate adequate food safety knowledge or employ a PIC who demonstrates adequate food safety knowledge,
- (D) As specified under subparagraph 8-402.2, agree to allow access to the food establishment and to provide required information, and
- (E) Pay the applicable fees either at the time the application is submitted or by the payment due date.

8-302.4 Contents of the Application

The application submission must include:

- (A) The name, mailing address, telephone number, email, and signature of the person who is an owner of the business or owner's designee,

- (B) The name, mailing address, and the physical location of the food establishment,
- (C) A copy of the deed, lease, management agreement, or other legal document demonstrating the right to occupy and control where the food establishment is to be located,
- (D) A statement signed by the applicant that:
 - (1) Attests to the accuracy of the information provided in the application, and
 - (2) Affirms that the applicant will:
 - (a) Comply with these regulations, and
 - (b) As specified under subparagraph 8-402.2, agree to allow access to the food establishment and to provide required information as specified in NRS 446.890, and
- (E) A completed food establishment questionnaire,
- (F) A statement signed by the applicant declaring exempt or non-exempt status of the facility as specified in the Nevada Clean Indoor Air Act, NRS 202.2483. Facilities declaring exempt status must also provide documentation verifying exempt status, including but not limited to a non-restricted gaming license, a retail tobacco store license, or any other exemption as specified in NRS 202.2483, Subsection 3, and,
- (G) Other information required by the Health Authority.

8-303 Issuance
8-303.1 Permit Issuance

The Health Authority may issue a permit to a food establishment after the following requirements are met:

- (A) A properly completed application is submitted,
- (B) The required fee is paid, and
- (C) A final permitting inspection shows that the food establishment:
 - (1) Has designated a PIC with adequate food safety knowledge,
 - (2) Has the necessary equipment and infrastructure to support the intended menu and anticipated volume of food to be stored, prepared, and sold or served, and
 - (3) Is in substantial compliance with these regulations either by:
 - (a) Being constructed, converted, or remodeled in accordance with the approved plans, or

- (b) Receiving 15 or fewer demerits during a final permitting inspection. Food establishments receiving more than 15 demerits during a final permitting inspection for change of permit holder must be closed, if in operation. A reinspection may be conducted after applicable fees are paid and must result in 15 or fewer demerits, with no repeat priority or priority foundation violations occurring, for permit issuance.

8-303.2 Denial of Application for Permit, Notice

If an application for a permit to operate is denied, the Health Authority must provide the applicant with a notice that includes:

- (A) The specific reasons and regulatory citations for the permit denial,
- (B) The actions, if any, that the applicant must take to qualify for a permit, and
- (C) Reference to the applicant's right of appeal provided in NAC 439.346.

8-304 Conditions of Retention

8-304.1 Responsibilities of the Health Authority

- (A) At the time a permit is first issued, the Health Authority must inform the permit holder where a copy of these regulations may be obtained so that the permit holder is notified of the compliance requirements and the conditions of retention, as specified under § 8-304.2, that are applicable to the permit.
- (B) Failure to provide the information specified in ¶ (A) of this section does not preclude the Health Authority from taking authorized action or seeking remedies if the permit holder fails to comply with these regulations or an order, warning, or directive of the Health Authority.

8-304.2 Responsibilities of the Permit Holder

A food establishment must:

- (A) Post the most recent grade or pass card and health permit in a location that is conspicuous to the consumer upon entering the food establishment. Obscuring or unauthorized removal of the grade or pass card, may result in administrative action including, but not limited to the assessment of applicable fees,
- (B) Post a health warning for drinking during pregnancy as specified in NRS 446.842,
- (C) Comply with the provisions of these regulations including the conditions of a granted variance, approved waiver, or required HACCP plan,
- (D) Immediately contact the Health Authority to report an illness of a food handler as specified in ¶ 2-201.1 of these regulations,
- (E) Immediately discontinue operations and notify the Health Authority when an imminent health hazard might exist as specified in § 8-404.1 of this chapter,

- (F) Allow representatives of the Health Authority access to the food establishment as specified in NRS 446.890 and § 8-402.1 of these regulations,
- (G) Replace facilities and equipment which are no longer serviceable with facilities and equipment that comply with these regulations when:
 - (1) The Health Authority directs replacement because the existing facilities and equipment constitute a public health hazard or the facilities and equipment no longer comply with the criteria upon which the facilities and equipment were approved,
 - (2) The Health Authority directs the replacement of the facilities and equipment at a change of permit holder, or
 - (3) The facilities and equipment have exceeded their useful service life and should be replaced in the normal course of operation,
- (H) Comply with the requirements of NRS 202.2483, the Nevada Clean Indoor Air Act, including posting required signage,
- (I) Comply with directives of the Health Authority, including, but not limited to, time frames for corrective actions specified in inspection reports, supervisory conferences, compliance schedules, notices, orders, warnings, and other directives issued by the Health Authority concerning the permit holder's food establishment or in response to community emergencies,
- (J) Comply with all laws related to the operation of a food establishment. The responsibility of upholding these requirements falls solely on the permit holder and failure to do so may result in permit suspension or revocation,
- (K) Comply with notices issued and served by the Health Authority according to law,
- (L) Notify the Health Authority in writing no later than 30 calendar days after a business closure. Failure to do so will result in the permit holder being responsible for any fees incurred,
- (M) Notify the Health Authority in writing no later than 30 calendar days after establishment updates such as changes to mailing address or business name, failure to do so will result in the permit holder being responsible for any fees incurred, and
- (N) Maintain a valid health permit to operate by renewing the permit annually when applicable. Failure to pay the health permit fee within the established timeframes will result in late fees and permit suspension.

8-304.3 Permits Not Transferable

A permit may not be transferred from one person to another person, from one food establishment to another, or from one type of operation to another unless approved by the Health Authority.

8-4	Inspection and Correction of Violations
Subpart	
8-401	Frequency
8-402	Competency and Access
8-403	Report of Findings
8-404	Imminent Health Hazard
8-405	Violation of Priority Items and Priority Foundation Items
8-406	Time Frame for Correction of Core Items
8-407	Unsafe Food—Examination and Condemnation of Food

8-401 Frequency
8-401.1 Establishing Inspection Interval

- (A) The Health Authority may inspect each permitted food establishment at least once every year as provided by NRS 446.885, or as often as necessary to ensure compliance with these regulations.
- (B) After receiving a downgrade, a food establishment must accept reinspection to ensure compliance with these regulations. The food establishment must pay applicable fees no later than ten business days after the reinspection to avoid permit suspension. Reinspection may occur less than 15 business days after the inspection resulting in the downgrade at the request of the permit holder and at the discretion of the Health Authority. If the PIC requests an inspection prior to 15 business days, applicable fees must be paid prior to the reinspection.

8-401.2 Performance and Risk-Based

Within the parameters specified in § 8-401.1, the Health Authority may conduct more frequent inspections of a food establishment based upon the Health Authority’s assessment of a food establishment’s history of compliance with this Regulation and the establishment’s potential as a vector of foodborne illness by evaluating:

- (A) Past performance, for nonconformance with these regulations or HACCP plan requirements that are priority or priority foundation items,
- (B) Past performance, for numerous or repeat violations of these regulations or HACCP plan requirements that are core items,
- (C) Past complaints investigated and found to be valid,
- (D) The hazards associated with the foods that are prepared, stored, or served,
- (E) The type of operation including the methods and extent of food storage, preparation, and service,
- (F) The number of people served, and
- (G) Whether the population served is a highly susceptible population.

8-402.1 Allowed at Reasonable Times after Due Notice

A food establishment must allow the Health Authority to inspect the food establishment during normal business hours or at any other reasonable time. After the Health Authority presents official credentials, the PIC must allow the Health Authority to inspect the food establishment and must provide information and records for review as specified in these regulations and to which the Health Authority is entitled according to NRS 446.890. In the event of a disease outbreak or suspected disease outbreak, a food establishment must grant emergency access to the Health Authority upon request.

8-402.2 Refusal, Notification of Right to Access, and Final Request for Access

- (A)** If a person denies the Health Authority full access to inspect a food establishment, or refuses to provide requested information or documents, the Health Authority must inform the person that:
 - (1)** The permit holder is required to allow access to the Health Authority as specified under § 8-402.1 of these regulations, and
 - (2)** Access is a condition of the acceptance and retention of a food establishment permit to operate.
- (B)** If access continues to be denied, the Health Authority may:
 - (1)** Contact law enforcement in accordance with NRS 446.940 to assist with entrance into the facility, or
 - (2)** Immediately suspend all food establishment permits, assess any associated fees, and take any further administrative action up to and including permit revocation.

8-402.3 Intimidation of a Public Officer

A food establishment and its employees and agents must not directly or indirectly intimidate a public employee. Intimidation of a public officer is a serious violation of these regulations and is grounds for administrative action up to and including permit revocation and food handler safety training card revocation.

8-403 Report of Findings

8-403.1 Documentation Information and Observations

After inspecting a food establishment, the Health Authority must document its findings on an inspection report form, including:

- (A)** Administrative information about the food establishment's identity, street address, inspection date and inspection result,
- (B)** Specific factual observations of conditions or deviations from these regulations that require correction by the permit holder, including:

- (1) Failure of the PIC to demonstrate the knowledge of foodborne illness prevention, application of HACCP principles, and the requirements of these regulations as specified under § 2-102.1,
 - (2) Failure of food handlers, or the PIC, to report a disease or medical condition as specified under ¶¶ 2-201.1(B) and (D),
 - (3) Imminent health hazards, priority or priority foundation items, and core items of this regulation,
 - (4) Failure of the appropriate food handlers to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the Health Authority as specified under § 8- 103.3,
 - (5) Failure of the PIC to provide records required by the Health Authority for determining conformance with a HACCP plan as specified under Subparagraph 8-201.4(E)(7),
 - (6) Non-conformance with critical limits of a HACCP plan, and
- (C) Corrective actions for deviations from these regulations

8-403.2 Food Establishment Grades

- (A) Except for temporary food establishments, every food establishment must post its health permit and the current grade or pass card for each permitted area, received at the time of the most recent inspection, in an area that is conspicuous to the consumer upon entering the food establishment.
- (B) Food establishment grades must be determined as follows:
 - (1) A Grade; a demerit score of 0 to 10,
 - (2) B Grade; a demerit score of 11 to 20, and
 - (3) C Grade; a demerit score of 21 to 40.
- (C) When a food establishment receives more than 40 demerits in an inspection, the permit must be suspended immediately. The food establishment must remain closed until the permit holder has corrected the priority and priority foundation items, paid all applicable and outstanding fees, and an inspection is conducted that results in a score of ten or fewer demerits with no repeat violations of priority or priority foundation items.
- (D) When a food establishment with a current B Grade receives 11 or more demerits or repeat violations of priority or priority foundation items on its reinspection, the food establishment will be placed on a C Grade even if it does not receive 21 or more demerits. A subsequent reinspection must be conducted as specified in ¶ 8-403.2(D) and the food establishment must pay all applicable and outstanding fees.

- (E) When a food establishment with a current C Grade receives 11 or more demerits or repeat violations of priority or priority foundation items on its reinspection, the food establishment's permit must be suspended even if it receives fewer than 41 demerits. The food establishment must remain closed until the permit holder has corrected the priority and priority foundation items, paid applicable and outstanding fees, and an inspection is conducted resulting in a score of 10 or fewer demerits with no repeat violations of priority or priority foundation items.
- (F) Notwithstanding the grade criteria of ¶ 8-403.2(B), whenever a repeat violation of a priority item is documented in the next routine inspection, the food establishment must be downgraded to the next lower grade.
- (G) Notwithstanding the grade criteria of ¶ 8-403.2(B), whenever the Health Authority orders a food establishment to take a piece of equipment out of service because it constitutes a public health hazard or is not approved, the equipment must remain out of service until approved. If a food establishment places the equipment back into service without approval, the food establishment must be downgraded to the next lower grade.
- (H) Food establishments such as, annual itinerants, farmers markets, and those undergoing a Change of Permit Holder will be inspected on a pass-fail criteria which is determined as follows:
 - (1) Pass; a demerit score of 0 – 15,
 - (2) Fail; a demerit score of 16 or more.
- (I) Notwithstanding the Pass/Fail criteria of ¶ 8-403.2(H), whenever a repeat violation of a priority item is documented in the next routine inspection, the permit must be immediately suspended. The food establishment must remain closed until the permit holder has corrected the priority and priority foundation items, paid any applicable fees, and an inspection is conducted that results in a score of 15 or fewer demerits with no repeat violation of a priority or priority foundation item.

8-403.3 Refusal to Sign Acknowledgment.

- (A) When an individual declines to sign an acknowledgment of receipt of inspection findings, the Health Authority must inform the individual that:
 - (1) Signing is for the sole purpose of acknowledging receipt of a copy of the report and does not signify agreement with findings,
 - (2) Refusal to sign an acknowledgment of receipt will not affect the permit holder's obligation to correct the priority and priority foundation items noted in the inspection report within the time frames specified, and
 - (3) Refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the Health Authority's historical record for the food establishment, and
- (B) After informing the individual as specified in ¶ (A), the Health Authority must make a final request that the PIC sign an acknowledgment receipt of inspectional findings.

8-404 **Imminent Health Hazard**
8-404.1 **Ceasing Operations and Reporting**

- (A) Except as specified in ¶ (B) and (C) of this section, a permit holder must immediately discontinue operations and notify the Health Authority if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, pest infestation, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.
- (B) A permit holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.
- (C) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Health Authority may agree to continuing operations in the event of an extended interruption of electrical or water service if:
 - (1) A written emergency operating plan has been approved,
 - (2) Immediate corrective action is taken to eliminate, prevent, or control any food safety risk and imminent health hazard associated with the electrical or water service interruption, and
 - (3) The Health Authority is informed upon implementation of the written emergency operating plan.

8-404.2 **Resuming Operations**

- (A) If a food establishment voluntarily ceases operation due to an imminent health hazard, the permit holder or PIC must notify the Health Authority when all items on the *Checklist for Reopening After an Imminent Health Hazard, Appendix B* are in compliance prior to resuming operations.
- (B) If food establishment operations are discontinued by the Health Authority due to an imminent health hazard, as specified in ¶ 8-404.1 of this Chapter, the permit holder or PIC must pay applicable fees and when all items on the *Checklist for Reopening After an Imminent Health Hazard, Appendix B*, are in compliance and verified by the Health Authority, may be granted written permission to resume operation.
- (C) If food establishments operations are discontinued for excessive priority and priority foundation items as specified in § 8-403.2(B) of this Chapter, the permit holder of PIC must pay applicable fees and pass a reopening inspection with 10 or fewer demerits, and no repeat violations of priority or priority foundation items.
- (D) A food establishment with a history of non-compliance, including repeat violations of priority or priority foundation items, may be required to enter an administrative process such that required training, compliance plans, or other stipulations are placed on the permit to operate.

8-405 **Priority Items and Priority Foundation Items**

8-405.1 Timely Correction

- (A) Except as specified in ¶ (B) of this section, a permit holder must at the time of inspection correct a violation of a priority item or priority foundation item of these regulations and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.
- (B) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Health Authority may agree to or specify a longer time frame, not to exceed:
 - (1) For priority items, correction is required within 72 hours after the inspection, or
 - (2) For priority foundation items and HACCP plan deviations, correction is required within 10 calendar days after the inspection.

8-406 Time Frame for Correction of Core Items

- (A) Except as specified in ¶ (B), the permit holder must correct core items by a date and time specified by the Health Authority but no later than 90 calendar days after the inspection.
- (B) The Health Authority may approve a compliance schedule that extends beyond the time limits specified under ¶ (A) if a written schedule of compliance is submitted by the permit holder.

8-407 Unsafe Food—Examination and Condemnation of Food

A food establishment must comply with any order issued pursuant to NRS 585.360 and NRS 446.920.

8-5	Prevention of Foodborne Disease Transmission by Employees
Subpart	
8-501	Investigation and Control

8-501 Investigation and Control

8-501.1 Obtaining Information: Personal History of Illness, Medical Examination, and Specimen Analysis

- (A) When the Health Authority has reasonable cause to believe that a food handler has possibly transmitted disease, might be infected with a disease in a communicable form that is transmissible through food, might be a carrier of infectious agents that cause a disease that is transmissible through food, or is affected with a boil, an infected wound, or acute respiratory infection, the Health Authority may:
 - (1) Secure a confidential medical history of the food handler suspected of transmitting disease or make other investigations as deemed appropriate, and
 - (2) Require appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected food handler.

- (B) Any confidential medical history obtained pursuant to ¶ (A) must be kept confidential and not released, except as required by law or by order of a court having jurisdiction.

8-501.2 Restriction or Exclusion of Food Handler, or Summary Suspension of Permit

- (A) Based on the findings of an investigation related to a food handler who is suspected of being infected or diseased, the Health Authority may issue an order to the suspected food handler or permit holder instituting one or more of the following control measures:

- (1) Restricting the food handler,
- (2) Excluding the food handler, or
- (3) Closing the food establishment by suspending a permit to operate in accordance with NRS 446.935.

- (B) Any such order must not be released to the public, except as required by law or by order of a court having jurisdiction, or after redacting out the name and any identifying information for the food handler.

8-501.3 Restriction or Exclusion Order, Warning or Hearing Not Required, Information Required in Order

Based on the findings of the investigation as specified in ¶ 8-501.1, and to control disease transmission, the Health Authority may issue an order of restriction or exclusion to a suspected food handler or the permit holder without prior warning, notice of a hearing. Any such order must:

- (A) State the reasons for the restriction or exclusion that is ordered,
- (B) State the evidence that the food handler or the permit holder must provide in order to demonstrate that the reasons for the restriction or exclusion are resolved,
- (C) State that the suspected food handler or the permit holder may request a hearing by submitting a timely request as provided in law, and
- (D) Provide the name and address of the Health Authority representative to whom a request for a hearing may be made.

8-501.4 Removal of Exclusions and Restrictions

The Health Authority must release a food handler from restriction or exclusion in accordance with NRS 446.935 and the conditions specified under § 2- 201.3.

8-6	Administrative Process
Subparts	
8-601	Administrative Process for Non-Compliance
8-602	Permit Suspension and Reinstatement
8-603	Appeal Process

8-601 Administrative Process for Non-Compliance

Food establishments exhibiting a history of uncontrolled risk factors for foodborne illness and non-compliance with these regulations may enter the administrative process for non-compliance.

- (A) Additional conditions may be placed upon the permit.
- (B) Failure to gain control of risk factors for foodborne illness at the facility can lead to further administrative actions up to and including suspension of the permit to operate, pending permit revocation.

8-602 Permit Suspension and Reinstatement

8-602.1 Suspension or Revocation of Permit, Reinstatement of Suspended Permit, Hearings

Permits issued under the provisions of these regulations may be suspended as specified in NRS 446.880.

- (A) Permits issued under the provisions of these regulations may be suspended temporarily by the Health Authority for failure of the permit holder to comply with the requirements of these regulations.
- (B) Whenever a permit holder or PIC fails to comply with any notice issued under the provisions of these regulations, the permit holder or PIC must be notified in writing that the permit and associated permits are, upon service of the notice, immediately suspended pending permit revocation. The notice must contain a statement informing the permit holder or PIC that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Health Authority within five business days.
- (C) Whenever the Health Authority finds an insanitary or other condition in the operation of a food establishment which, in its judgment, constitutes an imminent health hazard to public health, it may without warning, notice, or hearing issue a written order to the permit holder or PIC citing the condition, specifying the corrective action to be taken, and specifying the time within which the action must be taken. The order may state that the permit is immediately suspended and all food operations at all associated permits must be immediately discontinued. Any person to whom such an order is issued must comply with it immediately. Upon written petition to the Health Authority, the person must be afforded a hearing as soon as possible.
- (D) Any person whose permit(s) has been suspended but is not pending revocation may, at any time, make application for reinspection for reinstatement of the permit. Within ten business days following receipt of a written request, including a statement signed by the applicant that in their opinion the conditions causing suspension of the permit have been corrected, the Health

Authority may conduct a reinspection. If the applicant is in compliance with the requirements of these regulations, the permit must be reinstated.

- (E) For serious or repeated violations of any of the requirements of these regulations, or for interference with the Health Authority in the performance of their duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Authority. Before taking such an action the Health Authority must notify the permit holder, in writing, of the reasons for which the permit is subject to revocation and advising the permit holder of the requirements for filing a request for a hearing. A permit may be suspended for cause pending its revocation or a hearing relative thereto.
- (F) Unless a request for a hearing is filed with the Health Authority by the permit holder within five business days following service of the notice, the Health Authority may permanently revoke the permit.
- (G) The hearings provided for in this section must be conducted at a time and place designated by the Health Authority. Based upon the record of the hearing, the Health Authority must make a finding and may sustain, modify, or rescind any previous official notice or order considered in the hearing. A written report of the hearing decision must be furnished to the permit holder by the Health Authority.

8-602.2 Post Revocation Action

- (A) Once the permit has been revoked, as specified in § 8-602.1, the permit holder must discontinue all food activity associated with the food establishment in question. Failure to do so may result in:
 - (1) The Health Authority requesting an injunction from the District Court of Jurisdiction, against continued operation by the previous permit holder.
 - (2) The Health Authority referring the non-compliance to the District Attorney of Jurisdiction for prosecution.
- (B) Once the timeframe for appeal has transpired, any food remaining at the location in question may be denatured and destroyed by the Health Authority as specified in NRS 446.920.
- (C) Following permit revocation, any persons listed as sole proprietor, officer, or managing member of the business must be prohibited from obtaining a food establishment permit within the jurisdiction of the Southern Nevada Health District.

8-603 Appeal Process

- (A) A person aggrieved by findings or corrective action required by the Health Authority following an inspection or investigation may make a written request for a meeting with the inspector responsible for the action and the program supervisor to discuss the inspection or investigation, including, if applicable, the person's objections to the findings or corrective action required, and any requests to modify the inspection or investigation report. A request for such a meeting must be received by the Health Authority no later than 15 business days after the date of the inspection or investigation.

- (B) If the meeting held pursuant to ¶ (A) does not resolve the issue, the aggrieved person may submit a written request for a meeting with the section manager or division director to discuss any unresolved issues. A request for such a meeting must be received by the Health Authority no later than 10 business days after the meeting held pursuant to ¶ (A).

8-7	Service of Notice
Subparts	
8-701	Service of Notice

- 8-701** **Service of Notice**
8-701.1 **Delivery of Notice**

Notices provided for in NRS 446.895 shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or PIC, or such notice has been sent by email, registered, or certified mail, return or read receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Health Authority.

Chapter 9 Commissaries

Parts

- 9-1 Permitting Requirements
- 9-2 Operational Requirements

9-1	Permitting Requirements
Subparts	
9-101	Prerequisite for Operation

9-1 Permitting Requirements

Commissaries must operate within the parameters set forth in Chapters 1-8 of these regulations unless specified otherwise in this chapter. This chapter describes additional requirements specific to Commissaries.

9-101 Prerequisite for Operation 9-101.1 Commissaries

Commissaries must:

- (A) Limit the number and type of permit holders contracted based on their equipment capabilities, space, and service capacity,
- (B) Designate an easily identifiable area for each contracted permit holder that is large enough to accommodate storage of their food and equipment,
- (C) Have a three-compartment sink and handwashing sink that is conveniently located and easily accessible for use by contracted permit holders,
- (D) Provide access to restrooms stocked with handwashing soap and disposable hand towels during all hours of operation for use by contracted permit holders,
- (E) Have an area for filling freshwater tanks with drinking water that meets Section 5-202, and
- (F) If the commissary contracts with Mobile Unit permit holders, it must:
 - (1) Have an area for washing equipment and vehicles. Hoses used for washing must be pressurized, long enough to reach all parts of the equipment or vehicle and be stored off the ground,
 - (2) Construct the premises with curbs and proper slopes which direct wastewater to drains as approved by the agencies having jurisdiction, and
 - (3) Provide an area for mobile units to dump wastewater into an exterior drain with adequate grease capture as approved by the sewer agency having jurisdiction.

9-101.2 Support Kitchens

- (A) Support Kitchens may be utilized by a temporary event vendor if such use will not cause a nuisance or unmanageable food safety risk and is approved.
- (B) A support kitchen must not be used as a commissary for a food establishment with an annually renewable permit unless approved.

9-2	Operational Requirements
Subparts	
9-201	Responsibilities of the Commissary Manager
9-202	Commissary Service Agreement

9-201 Responsibilities of the Commissary Manager

A Commissary Manager, or designated PIC, must:

- (A) Be on the premises or readily accessible during all hours of operation,
- (B) Prohibit the use of the commissary by unpermitted operators,
- (C) Provide written notification within five business days to the Health Authority:
 - (1) When a contracted permit holder no longer has a valid agreement to use the commissary, or
 - (2) When a contracted permit holder’s agreement or lease is changed in any way,
- (D) Provide written notification to each contracted permit holder when an imminent health hazard exists and prohibit them from utilizing the commissary until such time that the hazard is mitigated.
- (E) Provide an up-to-date list of contracted permit holders upon request of the Health Authority,
- (F) Maintain a sign in/sign out attendance log for all contracted permit holders. The attendance log must be true and accurate, updated daily, and made available upon request. The attendance log must include the following information:
 - (1) The commissary business name, address, phone number, and permit number,
 - (2) The contracted permit holder’s business name and the name and signature of the PIC,
 - (3) The vehicle identification number, if applicable, when there is more than one mobile unit operating under the same business name, and
 - (4) The date, time in, and time out of each visit, or,

- (5) Other approved time tracking system.
- (G) Flush and sanitize pumps and hoses used to supply drinking water before being placed into service following construction, repair, modification, or periods exceeding 14 calendar days during which they were not used. The Health Authority may require water testing to verify the safety of the water supply.

9-202 Commissary Service Agreement

A commissary service agreement must contain:

- (A) The commissary name, address, phone number, health permit number and signature of the PIC,
- (B) The service(s) that the commissary will provide,
- (C) The number of hours per week/month that services are available to the contracted permit holder, and
- (D) A clause that indicates termination or changes to the agreement must result in written notification to the Health Authority within five business days of the date the agreement was terminated.

Chapter 10 Mobile Units

Parts

- 10-1** **Permitting and Construction Requirements**
- 10-2** **Operational Requirements**
- 10-3** **Record Requirements**

10-1	Permitting and Construction Requirements for Mobile Units
Subparts	
10-101	Prerequisite for Operation
10-102	Construction Requirements
10-103	Mobile Unit Markings

10-1 Permitting and Construction Requirements for Mobile Units

Mobile Units must operate within the parameters set forth in Chapters 1-8 of these regulations unless specified otherwise in this chapter. This chapter describes additional requirements specific to Mobile Units.

10-101 Prerequisite for Operation

Mobile Units must submit the following with their permit application:

- (A)** Plans showing the layout of equipment and plumbing,
- (B)** Proof of vehicle registration which includes the name of the registered owner, license plate number, vehicle identification number, and state of issuance,
- (C)** If the mobile unit is being leased, a signed copy of the lease agreement,
- (D)** A copy of the Nevada Secretary of State business license certificate,
- (E)** Documentation of mobile unit identification markings that comply with 10-103,
- (F)** Specifications for mechanical ventilation and electrical power generating equipment,
- (G)** If liquified petroleum gas is used, a copy of a Nevada liquified petroleum gas inspection for the vehicle,
- (H)** Menu,
- (I)** The commercial business address where the mobile unit will be stored when not in use,
- (J)** A commissary service agreement that complies with 9-202 and provides the number of hours and services necessary for the operation, and
- (K)** Site-specific mobile units must also provide:

- (1) A letter of permission to the Health Authority for access to restrooms that are conveniently located and accessible for use by food handlers during all hours of operation, and
- (2) A lease agreement granting permission to operate on premises.

10-102 Construction Requirements

10-102.1 Prohibitions

- (A) Restrooms must not be built as an integral part of a Mobile Unit.
- (B) Freshwater and wastewater tanks must be built as an integral part of a Mobile Unit and are prohibited from being on the ground.
- (C) Permanent utility hook up is prohibited. The unit must be easily conveyable from place to place and return to the commissary whenever necessary for dumping wastewater and filling freshwater.

10-102.2 Mobile Unit Equipment and Structure

Mobile units must comply with the following when applicable:

- (A) The mobile unit must be fully enclosed and tall enough on the inside to stand upright, 6-foot minimum height.
- (B) A maximum of two service openings that are no larger than 18 inches square, with either hinged or slider windows located in a manner to protect the food from contamination. Service openings must either be self-closing or protected by mechanical air curtains.
- (C) Screens must be limited to ventilation windows, service openings and doors.
- (D) Cooling and ventilation must be sufficient to maintain the interior ambient air temperature of the mobile unit below 100 °F.
- (E) The freshwater holding tank connected to the 3-compartment sink and hand sink must be no less than 40 gallons in capacity, unless specified otherwise, and comply with Part 5-3 of these regulations and wastewater tanks must comply with Subpart 5-401 of these regulations. Water supplying more than one 3-compartment sink or handwashing sink may require increased water holding capacity. Water fixtures and tanks must meet the following requirements:
 - (1) Water pumps must activate automatically when water is dispensed from a fixture. Manually operated water pumps are prohibited.
 - (2) Shut off valves on wastewater tanks must be recreational vehicle waste valves.
 - (3) Tanks must be fitted with an electronic capacity indicator easily visible to the operator.

- (4) There must be no outlet(s) for overflow on wastewater tanks. Wastewater tanks may be vented as outlined in 5-302.4 or by use of an air admittance valve.
- (5) Mobile units that are low-risk food establishments may be approved to have a minimum of a 15-gallon freshwater tank.
- (F) Mobile Units must comply with all fuel gas and fire codes including, but not limited to, having an approved liquefied petroleum gas system with a leak detection alarm device installed when applicable.
- (G) Food equipment located on exterior attached patios of mobile units must be limited to a single unit of equipment that is inaccessible to the public.
- (H) Liquefied petroleum gas piping systems, tanks, valves, connectors, appliances, and related parts must be installed according to current regulations of the Nevada Board for the Regulation of Liquefied Petroleum Gas by properly licensed and certified individuals.
- (I) Electrical service, wiring, connections, panels, and associated parts of equipment must be installed by properly licensed individuals and be compliant with manufacturer installation specifications.

10-103 Mobile Unit Markings

- (A) The mobile unit must have the business name and business address or business phone number clearly visible on the back, left and right sides of the mobile unit.
- (B) The name on the mobile unit must be the same as the fictitious business name filed with business licensing.
- (C) Each mobile unit having the same business name must provide markings to include a unique vehicle number for each unit.
- (D) The lettering must be easily visible from 50 feet away, no less than 3 inches tall and in colors that contrast with the paint color of the vehicle.

10-2	Operational Requirements
Subparts	
10-201	Operational Restrictions

10-201 Operational Restrictions

A mobile unit must not:

- (A) Operate at one location for more than four hours unless it:
 - (1) Is operating at a special event or farmers market, or

- (2) Has been issued a site-specific permit by the Health Authority,
- (B) Operate at one location for more than one hour except where restrooms are available by employees, or unless prior approval is granted by the Health Authority,
- (C) Place tables, chairs or accessory items in the surrounding area,
- (D) Cool TCS food,
- (E) Store open TCS food in the vehicle overnight, or
- (F) Accumulate solid waste in a manner that creates a cross-contamination hazard, nuisance, or attractant for pests.

10-3	Record Requirements
Subparts	
10-301	Required Records for Mobile Units

10-301 Required Records for Mobile Units

The following records must be submitted to the Health Authority upon request or as specified below. Records are to be maintained for no less than 90 calendar days.

- (A) The PIC must submit a route sheet to the Health Authority monthly. Changes to the route sheet must be submitted, in writing, to the Health Authority within five business days. The route sheet must contain:
 - (1) The business name and permit number of the mobile unit,
 - (2) The physical address for each stop, including for special events, and
 - (3) The date and estimated time of arrival and departure from each location.
- (B) A valid commissary agreement letter,
- (C) Permission letters, operational plans, or waivers associated with the permit, and
- (D) Same-day receipts for food when applicable.

Chapter 11 Open-Air Vendors

Parts

- 11-1** **Permitting Requirements**
- 11-2** **Operational Requirements**
- 11-3** **Record Requirements**

11-1	Permitting Requirements
Subparts	
11-101	Prerequisite for Operation
11-102	Equipment Requirements

11-1 **Permitting Requirements**

Open-air vendors must operate within the parameters set forth in Chapters 1-8 of these regulations unless specified otherwise in this chapter. This chapter describes additional requirements specific to open-air vendors. Prerequisite for Operation

The following must be submitted and approved prior to operating an open-air vendor permit:

- (A)** A lease agreement granting permission to operate on premises,
- (B)** Equipment specifications, plans, and menu,
- (C)** A commissary service agreement that complies with Subpart 9-202 and provides the number of hours and services necessary for the operation, and
- (D)** A letter of permission to the Health Authority for access to restrooms that are conveniently located and accessible for use by food handlers during all hours of operation.

- 11-101** **Equipment Requirements**
- 11-102.1** **Open-Air Vendor Equipment and Design**

Open-Air Vendors must:

- (A)** Be limited to 200 square feet,
- (B)** Provide an adequate number of handwashing sinks for open-food handling that meet the following criteria:
 - (1)** A handwashing sink must be stocked with liquid hand soap in a pump dispenser, single-use paper towels, and maintained throughout the duration of the event,
 - (2)** The handwashing sink must be located within 10 feet of the open-food handling area and ready for use prior to any open food handling,
 - (3)** If portable, the handwashing sink must meet the requirements of Subpart 4-205,

- (a) Provide a continuous flow of hot and cold running water without the use of a manual pump,
 - (b) Be self-contained, and
 - (c) Be equipped with an integral five-gallon minimum potable water supply tank and a wastewater storage tank that is at least 15% greater than the potable water supply,
- (C) Provide overhead protection for food preparation areas unless prohibited by fire code,
- (D) If located outside:
 - (1) Operate on a surface such as asphalt or concrete and provide adequate groundcover to prevent environmental contamination from excessive food debris and grease buildup on the ground,
 - (2) Submit an outdoor control plan which describes how food will be protected from pests and during inclement weather conditions such as high wind or rain,
 - (3) Provide covers, lids, or doors for outdoor cooking equipment to protect food from contamination when it is left unattended, and
 - (4) Have equipment that is designed and capable of operating when the ambient temperature exceeds 100 °F.
- (E) Be easily identifiable and have conspicuous name plates or other durable markings which match the permit name and number,
- (F) Have equipment which is portable and easily conveyed to the commissary for cleaning and maintenance,
- (G) Have no connections to a permanent utility such as water, sewer, gas, or power without approval from the agency of jurisdiction and the Health Authority, and
- (H) Have a physical separation between patrons and open food preparation areas using partitions, food shields, planters, walls, or similar means.

11-102.2 Barbecue Equipment and Design

A barbecue must comply with §11-102.1 for open-air vendors and must:

- (A) Have barbecue cooking equipment that is commercially manufactured and made from non-toxic, durable, cleanable, and rust-resistant materials. All other equipment associated with the barbecue permit must meet the requirements of section 4-205,
- (B) Install a handwashing sink in the barbecue area if food service or preparation, other than cooking, is occurring,
- (C) Be located within 50 feet of:

- (1) A food establishment under the same permit holder that is capable of supporting the operation of the barbecue, or
 - (2) A mobile unit under the same permit holder that is capable of supporting the operation of the barbecue.
- (D) Limit cooking equipment to commercially manufactured barbecue grills, smokers, rotisserie ovens, pizza ovens, or similar types of equipment,
 - (E) Provide protective storage for wood chips, bark, or other organic materials used for smoking and flavoring to prevent contamination, and
 - (F) Have a grease collection container or system for smokers and grills that prevents grease accumulation on the ground.

11-2	Operational Requirements
Subparts	
11-201	Operational Requirements for Open-Air Vendors
11-202	Operational Requirements for Seasonal Permits

11-201 Operational Requirements for Open-Air Vendors

Open-Air Vendors must:

- (A) Operate only at sites specified in the permit issued by the Health Authority,
- (B) Operate as a low-risk food establishment, unless approved to operate as a barbecue as described in 11-102.2 or a seasonal permit as described in 11-202 (B),
- (C) Conduct minimal food preparation on site,
- (D) Not conduct complex food processes such as cooling,
- (E) Not hold open TCS food for next-day service,
- (F) Submit menu changes that will result in a change to the equipment or the risk level to the Health Authority for approval prior to implementation,
- (G) Provide the Health Authority access to transportation or food storage vehicles utilized by the open-air vendor to ensure that the vehicle is maintained clean, free of trash, food debris, spills, insects, or any other source of contamination to the food or equipment, and
- (H) Provide a means to store and convey trash generated by the open-air vendor and consumers.

11-202 Operational Requirements for Seasonal Permits

- (A) Seasonal permits are only valid for periods up to 8 consecutive months of operation.

- (B) Seasonal permits must comply with all applicable sections of this regulation and once expired, must not be renewed until 12 months have elapsed from the start date of the previous operating period.
- (C) A Seasonal permit must operate as a low-risk food establishment unless it is located within 50 feet of:
 - (1) The contracted commissary, or
 - (2) A food establishment under the same permit holder that will provide the necessary support services to the seasonal operation.

11-3	Required Records
Subparts	
11-301	Required Records for Open-Air Vendors

11-301 Required Records for Open-Air Vendors

Open-Air Vendors must provide the following records to the Health Authority upon request:

- (A) A valid commissary agreement letter,
- (B) Permission letters, operational plans, or waivers associated with the permit, and
- (C) Same-day receipts for food when applicable.

Chapter 12 Catering

Parts

- 12-1 Permitting Requirements
- 12-2 Operational Requirements

12-1	Permitting Requirements
Subparts	
12-101	Prerequisite for Operation

12-1 Permitting Requirements

Catering food establishments must operate within the parameters set forth in Chapters 1-8 of these Regulations unless specified otherwise in this chapter. This chapter describes additional requirements specific to catering food establishments.

12-101 Prerequisite for Operation

- (A) A catering food establishment must provide an adequate number of handwashing sinks at the remote service site where open-food handling will occur. Handwashing sinks must:
 - (1) Be stocked with liquid hand soap in a pump dispenser, single-use paper towels, and maintained throughout the duration of the event.
 - (2) Be located within 10 feet of the open-food handling area and ready for use prior to any open food handling.
 - (3) Be adequate in number and meet the following criteria:
 - (a) If portable, the handwashing sink must meet the requirements of Subpart 4-205,
 - (b) Provide a continuous flow of hot and cold running water without the use of a manual pump, and
 - (c) Be self-contained and equipped with an integral five-gallon minimum potable water supply tank and a wastewater storage tank that is at least 15% greater than the potable water supply.
- (B) Food transport vehicles must be constructed, equipped, and maintained in a manner that protects all food, equipment, utensils, linens, single-service, and single-use articles from contamination.

12-2	Operational Requirements
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Subparts	
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12-201	Operational Requirements
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12-201 Operational Requirements

At the site of the catering event, catering food establishments must:

- (A)** Not perform complex food processes, including but not limited to cooling and par-cooking,
- (B)** Prohibit TCS food served or displayed at an event from being re-served or held over for future service. Food that has been served or displayed must be left with the host or discarded at the conclusion of the event,
- (C)** Provide the Health Authority access to transportation or food storage vehicles utilized by the caterer to ensure that the vehicle is maintained clean, free of trash, food debris, spills, pests, or any other source of contamination to the food or equipment,
- (D)** Dispose of waste generated at the event prior to leaving the site unless other arrangements have been made with the host for proper disposal, and
- (E)** Return soiled utensils, equipment, tableware, and linen to the commissary kitchen at the completion of the catered event for cleaning, sanitizing, and storage.

Chapter 13 Swap Meet and Farmers Markets

Parts

- 13-1 **Permitting Requirements**
- 13-2 **Operational Requirements**

13-1	Permitting Requirements
Subparts	
13-101	Prerequisite for Operation

13-1 **Permitting Requirements**

- (A) Swap meets and farmers markets must operate within the parameters set forth in Chapters 1-8 of these regulations unless specified otherwise in this chapter. This chapter describes additional requirements specific to swap meets and farmers markets.
- (B) Food vendors and temporary food establishments may operate at a swap meet or farmers market if site requirements are met and support services are provided as specified in 13-101.2.

13-101 **Prerequisite for Operation**

13-101.1 **Swap Meet and Farmers Market Manager**

- (A) Each swap meet or farmers market establishment must designate an operations manager who is responsible for ensuring that:
 - (1) A PIC is on the premises during all hours of operation.
 - (2) An up-to-date list of food vendors and temporary food establishments is provided to the Health Authority upon request,
 - (3) A copy of the producers certificate for exempt farmers participating in the swap meet or farmers market is provided to the Health Authority upon request,
 - (4) Health permits and grade cards are posted conspicuously as required,
 - (5) Unpermitted food vendors or temporary food establishments and food establishments with a suspended permit are prohibited from operating at the swap meet or farmers market,
 - (6) Animal attractions, animal pens, and petting zoos are at least 50 feet away from any food establishment or food establishment support area,
 - (7) The premises are maintained such that there is no overflowing trash, wastewater, sewage, or other nuisance condition present,
 - (8) There is a surplus of liquid soap and disposable towels for use in restroom facilities and all site requirements and support services are in compliance with these regulations, and

- (9) There is a resource recovery plan implemented such that cardboard, glass, plastic bottles, and aluminum is collected and recycled if there are greater than 5000 patrons in attendance per day.

13-101.2 Support Services

Newly constructed or substantially remodeled swap meets must have an onsite commissary if they contract with or lease space to three or more food vendors that handle TCS foods. The swap meet must provide access to the necessary support services for all contracted food vendors.

13-101.3 Farmers Market Certified Producer

- (A) Farmers markets must have at least one farmer who possesses a valid producer certificate for farm products being sold, offered or displayed for sale, or served.
- (B) A vendor may sell farm products of another farmer provided that a copy of the producer certificate or same-day receipts are available upon request for farm products being sold, offered or displayed for sale, or served.
- (C) Farmers are exempt from obtaining a health permit only if the farmer sells only farm products in their natural and unprocessed state. The Health Authority reserves the right to conduct surveys to verify exemption status.
- (D) Farmers must store, handle, and display farm products in a manner which prevents adulteration or the creation of a public health hazard or nuisance.

13-101.4 Site Location

- (A) Each swap meet and farmers market establishment must have an adequate number of permanently plumbed restrooms that meet the requirements of Chapters 5 and 6 of these regulations. Restrooms must be available for use by food handlers during all hours of operation.
- (B) Each swap meet and farmers market establishment must have waste receptacles, including
 - (1) A minimum of one waste container, for use by patrons, located within 15 feet of each food vendor's space or booth.
 - (2) Waste containers located within or adjacent to restroom and handwashing facilities.
- (C) Farmers' Markets vendors may operate at any permitted Farmers Market location with permission from the Farmers Market manager and prior written notification to the Health Authority detailing where and when the food establishment will be in operation.

13-2	Operational Requirements
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Subparts

13-201	Required Records
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13-201 **Required Records**

The following records must be maintained on site by the swap meet or farmer market manager and be available for review by the Health Authority:

- (A) Copies of the health permit for each participating food establishment,
- (B) A list of all participating food vendors and temporary food establishments, and
- (C) A copy of the producer certificate which lists the approved food for each participating farmer.

Chapter 14 Special Events and Temporary Food Establishments

Parts

- 14-1 Special Event Requirements
- 14-2 Temporary Food Establishments
- 14-3 Annual Itinerants

14-1	Special Event Requirements
Subparts	
14-101	Event Coordinator
14-102	General Requirements for Special Events
14-103	Trade Shows, Conventions, Cook-Offs, and Tasting Events

14-1 Special Events and Temporary Food Establishments

Special events, temporary food establishments, and annual itinerants are required to operate within the parameters set forth in Chapters 1-8 of these regulations. This chapter describes additional requirements specific to special events, temporary food establishments, and annual itinerants.

14-101 Event Coordinator

14-101.1 Permit Requirements

- (A) An event coordinator permit is required for a special event when there are:
- (1) Five or more permitted food vendors, temporary food establishments, or mobile vendors, or
 - (2) Two or more tasting booths. A solitary tasting booth will be permitted as a temporary food establishment.
- (B) An event coordinator permit is not required if either of the following conditions apply:
- (1) Except as required in 14-101.1(A)(2), temporary food establishments or food vendors are owned and operated by the same person and the event is not a tasting event, or
 - (2) The special event does not meet the definition of a food establishment as described in these regulations.
- (C) An event coordinator hosting an event with greater than 100 food vendor and temporary food establishment permits may submit a proposal for the permitting of alternate booth sizes. Proposals must be submitted to the Health Authority no later than 30 days prior to the start date of the event.

14-101.2 Application Submission

- (A) The event coordinator must submit the following items with the event coordinator permit application:

- (1) A letter of permission or other legally executed document from the property owner granting permission to operate the event at the site address,
 - (2) A list of food vendors, temporary food establishments, and their contact information,
 - (3) A site map of the event indicating the location of food vendors and temporary food establishments, toilet and handwashing facilities, trash receptacles, parking, lighting, electrical access, and support service areas, and
 - (4) A description of support services.
- (B) The Health Authority may deny an Event Coordinator Permit if:
- (1) The application is not submitted at least one business day prior to the event start date, or
 - (2) The application is incomplete, or there are missing supporting documents, and resubmission does not occur at least three business days prior to the event start date, or
 - (3) Other authorities or agencies having jurisdiction do not authorize the event.

14-101.3 Responsibilities of the Event Coordinator

The event coordinator is responsible for all items as specified on the event coordinator permit application such as potable water supply, disposal of wastewater, disposal of solid waste, restroom facilities including associated handwashing sinks, power supply, central warewashing facilities, and central refrigeration services. The event coordinator must ensure that:

- (A) A finalized list of food vendors and temporary food establishments is provided to the Health Authority at least three business days prior to the event,
- (B) There is at least one PIC at the event during all hours of operation who is knowledgeable about the operation and available to the Health Authority during the event,
- (C) Unpermitted food vendors and temporary food establishments do not participate in the special event,
- (D) For special events that exceed three days in duration, a three-compartment sink is provided for use by food vendors and temporary food establishments ,
- (E) When power is supplied to food vendors and temporary food establishments by the event coordinator, power is capable of supporting all powered equipment, as contracted, for the duration of the event,
- (F) When central refrigeration services for food vendors and temporary food establishments are provided, the equipment is capable of maintaining food at 41 °F or below for the duration of the event,

- (G) Food vendors and temporary food establishments are notified in advance of the availability and location of potable water sources or that potable water will not be provided,
- (H) A plan for the disposal of wastewater is provided to include the schedule for emptying communal gray water tanks when applicable,
- (I) A plan for waste disposal is provided and addresses collection and removal of solid waste during and after the event,
- (J) A resource recovery plan is implemented at events where attendance is expected to exceed 5000 persons per day which provides that cardboard, glass, plastic bottles, and aluminum generated at an event of this size are collected and recycled, and
- (K) Non-potable water connections and containers are clearly labeled.

14-102 General Requirements for Special Events

14-102.1 Toilet facilities

- (A) The event coordinator must ensure that an adequate number of toilet facilities are provided for patron and participant use so as not to create a nuisance or public health hazard.
- (B) When the number of seweried toilets is insufficient, portable toilets must be provided. The permit holder of a special event must provide toilet facilities as set forth in NAC 444.825 unless otherwise approved based on an operational plan that includes more frequent cleaning and disposal of waste.
- (C) Toilets must be adequately serviced, stocked with dispenser-held toilet tissue, and maintained during the event.
- (D) Toilets must be set at least 50 feet away from any food operation.

14-102.2 Handwashing Sinks

- (A) Handwashing sinks must be located at each toileting area.
- (B) At least one handwashing sink for each group of five toilets must be provided.
- (C) Handwashing sinks must be adequately serviced, stocked, and maintained during the event. Liquid hand soap in a pump dispenser, and single-use paper towels dispensed in a sanitary manner, must be available at the handwashing sink.
- (D) A waste receptacle must be located at the handwashing sink for the disposal of paper towels.
- (E) Handwashing sinks for customer use must be placed at the exit to any animal attraction associated with the event.

14-102.3 Animal Attractions

Animal attractions must not create nuisances, odors, or pest problems that impact food service operations. The Health Authority may impose additional restrictions and requirements to ensure the health of the public. All animal attractions must be set at least 50 feet away from any food operation.

14-103 Trade Shows, Conventions, Cook-Offs, and Tasting Events

In addition to the responsibilities specified in section 14-101.3, the event coordinator of a trade show, convention, cook-off, or tasting event must inform all food vendors and temporary food establishments with a point of sale, or other arrangement for direct compensation for food or beverage, that they must have a valid health permit to participate in the event.

14-2	Temporary Food Establishments
Subparts	
14-201	Temporary Permit Requirements
14-202	Temporary Food Establishment Permit Exemptions
14-203	Operational Requirements for Temporary Food Establishments
14-204	Site Requirements

14-201 Temporary Permit Requirements

- (A) A temporary food establishment permit must not exceed 14 consecutive days and is not transferable from person to person or from location to location.
- (B) Except as specified in 14-101.1 (C), a single temporary food establishment must not exceed 400 square feet when serving only low-risk food and must not exceed 200 square feet in size when serving higher-risk food.
- (C) The temporary food establishment permit may be denied if:
 - (1) The application is not received at least one business day prior to the start date of the event,
 - (2) There are inadequate support services available to operate safely, or
 - (3) Food is unable to be protected due to inclement weather, or other conditions exist that cause a risk to public health.
- (D) The permit holder of the temporary food establishment must provide proof of payment of the permit application invoice upon request.
- (E) Temporary food establishment operators who are found operating without a valid health permit will be required to cease food operations immediately until a valid health permit is obtained.

14-202 Temporary Food Establishment Permit Exemptions

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

Exemptions may include, but are not limited to:

- (A) Bottled water, canned soft drinks,
- (B) Customer self-service coffee or tea. This exemption does not include TCS food or open-food handling except brewing coffee or tea,
- (C) Commercially prepared acidic beverages (such as orange juice, lemonade, and other similar beverages) that are served from the original properly labeled container without the addition of consumer ice or other regulated food product,
- (D) Hermetically sealed and unopened containers of non-TCS beverages, which do not require refrigeration,
- (E) Hot chocolate prepared for immediate service without the use of TCS foods,
- (F) Non-TCS prepackaged baked goods with proper labeling from an approved source and requiring no on-site preparation,
- (G) Non-TCS foods and unopened prepackaged food from an approved source with proper labeling, such as honey, jerked meats, potato chips, popcorn, and other similar foods,
- (H) Farm products sold by a vendor with a producer certificate and no food preparation, breaching of produce, or product sampling is done,
- (I) Commercially prepared, prepackaged, and unopened ice cream that is appropriately labeled including ingredients and manufacturer information, and
- (J) Vendors that provide samples of food without compensation, do not sell the food on-site, and are inspected under an Event Coordinator permit.

14-203 Operational Requirements for Temporary Food Establishments

In addition to compliance with Chapters 1-8 of these regulations, temporary food establishments are subject to the additional operational requirements in this section.

14-203.1 Equipment

Temporary food establishments are exempt from Subpart 4-205 but must operate using equipment, which is in good condition, easily cleanable, and does not pose a food safety risk.

14-203.2 Operational Requirements

Temporary food establishments must:

- (A) Conduct minimal food preparation on site,

- (B) Not conduct complex food processes, including but not limited to cooling, at the event location,
- (C) Prohibit use or sale of reduced oxygen packaged foods which were packaged at a retail food establishment unless prior approval has been granted by the Health Authority
- (D) Prohibit TCS food served or displayed at an event from being re-served or held over for future service,
- (E) Operate only at sites which written approval from the property owner has been obtained,
- (F) Submit menu changes that will result in a change to the equipment or the risk level to the Health Authority for approval prior to implementation,
- (G) Ensure that transportation vehicles are maintained clean, free of trash, food debris, spills, pests, or any other source of contamination to the food or equipment, and
- (H) In the absence of an approved commissary or permitted support kitchen, provide same day receipts for all TCS foods and/or open prepared food upon request to the Health Authority.

14-203.3 Handwashing Facilities

- (A) A handwashing sink must be stocked with liquid hand soap in a pump dispenser, single-use paper towels, and maintained throughout the duration of the event.
- (B) The handwashing sink must be located within 10 feet of the open-food handling area and ready for use prior to any open food handling.
- (C) An adequate number of handwashing sinks that meet the following criteria must be provided:
 - (1) If portable, the handwashing sink must be self-contained and equipped with an integral five-gallon minimum potable water supply tank and a wastewater storage tank that is at least 15% greater than the potable water supply and may be gravity-fed, and
 - (2) Provide a hands-free continuous flow of warm running water.

14-204 Site Requirements

- (A) Provide overhead protection for food preparation areas unless prohibited by fire code, and
- (B) Operate on a smooth surface such as asphalt or concrete, or provide adequate groundcover, to prevent dust or debris from becoming airborne.

14-3	Annual Itinerants
Subparts	
14-301	Permit Requirements
14-302	Operational Requirements
14-303	Required Records
14-304	Annual Itinerant Event Coordinator

14-301 Permit Requirements

In addition to compliance with Chapters 1-8 of these regulations, Annual Itinerants are subject to the additional requirements in this section. Annual Itinerants must:

- (A) Only operate at sites for which prior notice was given to the Health Authority,
- (B) Notify the Health Authority by submitting an Annual Itinerant Notification at least two business days prior to operating at a special event or farmers market. Updates to the schedule must be provided at least two business days prior to the start of each special event or farmers market. Failure to notify the Health Authority within the required timeframe will result in administrative action up to and including permit revocation,
- (C) Operate only at sites that meet the requirements in Subpart 14-204 and which written approval from the property owner has been obtained,
- (D) Submit menu changes that will result in a change to the equipment or the risk level to the Health Authority for approval prior to implementation,
- (E) Provide access to transportation or food storage vehicles utilized by the food vendor to ensure that the vehicle is maintained clean, free of trash, food debris, spills, insects, or any other source of contamination to the food or equipment, and
- (F) Not exceed 200 square feet in size.

14-302 Operational Requirements

14-302.1 Operational Restrictions

Annual Itinerants must:

- (A) Conduct minimal food preparation on site,
- (B) Not conduct complex food processes, including but not limited to cooling, at the event location,
- (C) Prohibit TCS food served or displayed at an event from being re-served or held over for future service, and
- (D) Prohibit use or sale of reduced oxygen packaged foods which were packaged at a retail food establishment unless prior approval has been granted by the Health Authority.

14-302.2 Handwashing Facilities

- (A)** A handwashing sink must be stocked with liquid hand soap in a pump dispenser, single-use paper towels, and maintained throughout the duration of the event.
- (B)** The handwashing sink must be located within 10 feet of the open-food handling area and ready for use prior to any open food handling.
- (C)** An adequate number of handwashing sinks that meet the following criteria must be provided:
 - (1)** If portable, the handwashing sink must meet the requirements of Subpart 4-205,
 - (2)** Provide a continuous flow of hot and cold running water without the use of a manual pump,
 - (3)** Be self-contained, and
 - (4)** Be equipped with an integral five-gallon minimum potable water supply tank and a wastewater storage tank that is at least 15% greater than the potable water supply.

14-303 Required Records

The Annual Itinerant permit holder must provide the following records to the Health Authority upon request:

- (A)** A valid commissary agreement letter,
- (B)** Permission letters, operational plans, or waivers associated with the permit, and
- (C)** Same-day receipts for food when applicable.

14-304 Annual Event Venue Permit Requirements

Annual Event Venues must comply with Subpart 14-101 and:

- (A)** Provide permanently plumbed restrooms that meet the requirements of Chapters 5 and 6 of these regulations and are conveniently located and available for use by food vendors and temporary food establishments during all hours of operation,
- (B)** Designate an area where food vendors and temporary food establishments may refill potable water and dump wastewater in an approved manner, and
- (C)** Provide sufficient area lighting if the event operates after sundown.

14-4	Severability Clause
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Subparts	
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14-401	Severability Clause
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14-401 Severability Clause

Should any section, paragraph, sentence, clause, or phrase of these regulations be declared unconstitutional or invalid for any reason the remainder of these regulations must not be affected thereby.

Appendix A— Communicable Disease Protocol

The purpose of this Protocol is to assist the Person in Charge of a food establishment to take appropriate measures when dealing with an employee ill with pathogens that may be spread in food as required by Nevada Administrative Code (NAC) 441A-Communicable Diseases

Communicable Diseases that have the potential to cause Foodborne illness and are reportable to the Health Authority include but are not limited to: Amebiasis, Campylobacteriosis, Cryptosporidiosis, *E.coli* 0157:H7, Giardiasis, Hepatitis A, Salmonellosis, Shigellosis, Typhoid Fever and any extraordinary occurrence of illness or foodborne disease outbreak such as that associated with Norovirus (a more extensive list can be found in NAC 441A).

Food and beverage handlers are considered to be employed in sensitive occupations (NAC 441A.170) which enhance the potential for transmission of a communicable disease to other persons if a person who is infected with the communicable disease is working while in a contagious stage.

The Person in Charge of a food establishment must:

- Report known or suspect communicable disease to the Health Authority (NAC 441A.255).
- Prohibit a food handler from working with:
 1. Symptoms of gastrointestinal illness such as abdominal cramping, diarrhea, or vomiting until symptom free for at least 24 hours.
 2. Jaundice until laboratory results indicate the individual is not currently infected with Hepatitis A.
 3. A lesion(s) that cannot be effectively covered until such time as the wound has healed or a physician's note is provided indicating the lesion(s) is not infectious.
 4. Sore throat with fever. Note: A worker experiencing active symptoms caused by seasonal allergies or hay fever (persistent cough, running nose, and/or sneezing) shall be prohibited from open food service until symptoms are controlled.
- Cooperate with the Health Authority during an epidemiological investigation and carry out measures for the prevention, suppression, and control of a communicable disease (NAC 441A.280 and 441A.530) including:
 1. Providing information, including names and addresses of patrons and employees, work schedules of employees, illness histories of employees, menus and any other information necessary to complete the investigation.
 2. Providing access to employees for interviewing and obtaining clinical specimens.
 3. Providing food, beverage and environmental samples for laboratory analysis.
 4. Exclusion of an employee as required by NAC 441A specific to the diagnosis until cleared to return to work by the Health Authority.
 5. Institute infection control, and hygienic and sanitation measures as required by the Health Authority.

More information can be found on the FDA website: [Employee Health and Personal Hygiene Handbook](#)



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Appendix B— Checklist for Reopening After an Imminent Health Hazard



Checklist for Reopening After an Imminent Health Hazard

The permit holder shall ensure that the imminent health hazard has been corrected and all items on this checklist are verified:

EHFoodOpsAdmin@SNHD.ORG
Main Office (702) 759 - 1110
After hours (702) 759 - 1600

Physical Facility

- Electricity is available throughout facility
- If applicable, natural gas is available to facility
- All plumbing is operating properly
- There is no visible damage or incomplete repairs, all gaps and holes are sealed
- Floors, walls, and ceiling are clean
- Lights are operational and at proper brightness
- Cold and hot water is available throughout the facility
- Hot water is available at a minimum of 100°F at every hand sink
- Hot water is available at a minimum of 120°F at the 3-compartment sink

Facility Operation

- All potentially contaminated food is discarded
- All kitchenware and equipment are properly washed, rinsed, sanitized, and air dried
- All dishware and utensils are properly washed, rinsed, sanitized, and air dried
- Cold holding units are holding at or below 41°F
- Freezer units are holding at or below 0°F
- All unit thermometers are working properly
- Hot holding units are holding at or above 135°F
- Dishwasher/glasswasher is operating properly
- Hood ventilation system is operating properly
- Hand sinks and restrooms are stocked and operational

Inspection Readiness

- Sanitizer buckets are set up at proper concentration
- Thermometers are calibrated
- Pest control records are available
- Air curtains are operating properly
- Person in Charge is available and knowledgeable
- All food handlers have current Food Handler Safety Training Cards (Health Card)
- All food is labeled and dated as required
- Grade card and required signs are posted conspicuously

Facility Name:	Closed on:	Re-Opened on:
Permit Number:	Date:	Date:
Person in Charge Name:	Time:	Time:



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Appendix C—Dogs in Outdoor Dining Areas Agreement

Initials	<p>By initialing next to each box below, I attest that I understand and agree to enforce the following conditions when allowing dogs in an outdoor dining area located on the premises of my food establishment.</p>	
_____	<p>Other than service animals and security/police dogs, dogs will not be allowed inside the food establishment at any time and dogs will not be permitted to pass through the food establishment to access the outdoor dining area.</p>	
_____	<p>Signage will be posted conspicuously at the outdoor dining area with the following minimum requirements listed:</p> <ul style="list-style-type: none"> • Patrons must keep their dogs on a leash, in a carrier, or otherwise restrained, • Dog waste must be cleaned up by the dog owner using disposable bags and/or clean up kits provided, and discarded in the designated covered trashcans, • Dogs must remain on the ground, and are not allowed on seats, benches, tables, or other furniture, and • Dogs must not eat off of reusable tableware or utensils. If a cup or bowl is needed, please ask an employee for a disposable container. 	
_____	<p>Each outdoor dining area where dogs are permitted:</p> <ul style="list-style-type: none"> • Will have a covered trashcan and disposable trash bags conveniently and conspicuously located for use by patrons. The trashcan(s) will be emptied on a frequent basis, into an outdoor dumpster, to prevent nuisance conditions, and • Will be deep cleaned on a frequent enough basis to prevent pests, the buildup of soil, and odors. Mops, brooms, and other tools used to clean the outdoor dining area will not be used for other purposes and will be stored separately from any food storage or handling area. 	
_____	<p>The Person in Charge will enforce, and employees will be trained, on the following:</p> <ul style="list-style-type: none"> • Prohibiting dogs from eating or drinking from reusable kitchenware (<u>i.e.</u> by offering disposable wares to the patron), • Preparation of a waste clean-up kit, when to provide it to a patron, and how to block off or clear an area that requires clean-up, • Proper handwashing techniques, and • Avoiding cross-contamination by prohibiting touching, serving, or cleaning up after dogs while working in a food handling capacity. 	
_____	<p>Waste clean-up kits will be provided by the food establishment to patrons as needed. The kit will contain disposable gloves, liquid absorbent, a scoop, and a scraper to be used by patrons to remove waste.</p>	
_____	<p>I understand and agree that:</p> <ul style="list-style-type: none"> • The Americans with Disability Act takes precedence if there is a conflict with an interpretation of this agreement, and • The permit holder is responsible for mitigating nuisance conditions created by allowing dogs on the outdoor premises of the food establishment. Damage to persons and/or animals related to animal interactions on premises are the sole responsibility of the permit holder and/or dog owner or handler. 	
	Print Name:	Title/Position:
	Signature:	Date:



ATTACHMENT

B

2010 REGULATION	2023 REGULATION																														
General																															
<p>The majority of the content in Chapters 1—8 has been adopted from the FDA Food Code 2017. Many of the changes are based on information gathered from the public since 2010. The purpose of this document is to highlight significant regulation content changes that impact enforcement activities. The following list is not all inclusive. To review all changes, please review the 2023 Food Regulations Draft.</p>																															
Appendices																															
<p>The following Appendices can be found on our website and were removed from the regulation:</p> <table border="0"> <tr><td>Appendix B</td><td>Refrigerated Storage</td></tr> <tr><td>Appendix C</td><td>Roast Cooking Chart</td></tr> <tr><td>Appendix D</td><td>Is Your Sushi Rice Safe to Eat?</td></tr> <tr><td>Appendix E</td><td>Food Labeling Guide</td></tr> <tr><td>Appendix F</td><td>Consumer Advisory Language</td></tr> <tr><td>Appendix G-1</td><td>Compliance Schedule</td></tr> <tr><td>Appendix G-2</td><td>Compliance Schedule Action Plan</td></tr> <tr><td>Appendix I</td><td>Event Coordinator Guidelines</td></tr> <tr><td>Appendix J</td><td>Risk Control Plan</td></tr> <tr><td>Appendix K</td><td>Bare Hand Contact Application</td></tr> <tr><td>Appendix L</td><td>Reduced Oxygen Packaging</td></tr> <tr><td>Supplemental Document</td><td>Hand Washing Guidelines</td></tr> </table>	Appendix B	Refrigerated Storage	Appendix C	Roast Cooking Chart	Appendix D	Is Your Sushi Rice Safe to Eat?	Appendix E	Food Labeling Guide	Appendix F	Consumer Advisory Language	Appendix G-1	Compliance Schedule	Appendix G-2	Compliance Schedule Action Plan	Appendix I	Event Coordinator Guidelines	Appendix J	Risk Control Plan	Appendix K	Bare Hand Contact Application	Appendix L	Reduced Oxygen Packaging	Supplemental Document	Hand Washing Guidelines	<p>The following Appendices were added:</p> <table border="0"> <tr><td>Appendix A</td><td>Communicable Disease Protocol</td></tr> <tr><td>Appendix B</td><td>Checklist for Reopening After an Imminent Health Hazard</td></tr> <tr><td>Appendix C</td><td>Operational Plan for Pets in Outdoor Dining Areas</td></tr> </table>	Appendix A	Communicable Disease Protocol	Appendix B	Checklist for Reopening After an Imminent Health Hazard	Appendix C	Operational Plan for Pets in Outdoor Dining Areas
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Table of Contents																															
<p>Chapter 9 Warehouse The warehouse chapter was removed and incorporated into Chapters 1-8.</p>	<p>Chapter 9 Commissaries (new specialty chapter)</p>																														
<p>Chapter 11 Portable Units for Service of Food</p>	<p>Chapter 11 Open-Air Vendors (name update)</p>																														
<p>Chapter 12 Catering and Food Delivery</p>	<p>Chapter 12 Catering (name update)</p>																														
<p>Chapter 13 Farmers Markets and Ancillary Food Establishments</p>	<p>Chapter 13 Swap Meet and Farmers Markets (name update)</p>																														
<p>Chapter 14 Seasonal Food Establishment Seasonal food establishments are incorporated into Chapter 11</p>	<p>Chapter 14 Special Events and Temporary Food Establishments (previously Chapter 15)</p>																														
Chapter 1																															
<p>Old Terminology</p> <ul style="list-style-type: none"> Good Management Practice Major Violation Critical Violation Potentially Hazardous Food (TCS) 	<p>New Terminology</p> <ul style="list-style-type: none"> Core Item Priority Foundation Item Priority Item Time Temperature Control for Safety Food (TCS) 																														
	<p>Farm Products</p>																														

	<u>Includes all agricultural, horticultural, viticultural, and vegetable products regardless of whether they are grown in soil.</u>
	<u>Food Vendor</u> <u>Any non-permanent, annually permitted, food establishment in which TCS food, or open food intended for ultimate human consumption, is stored, prepared, or served and does not exceed 200 square feet in size</u>
	<u>Definitions removed from draft:</u> <u>High-Risk Food Establishment</u> <u>Medium-Risk Food Establishment</u> <u>Occasional</u>
	<u>Definitions added to draft:</u> <u>Servicing Area</u> <u>Vending Machine</u>
	<u>Low-Risk Food Establishment</u> <u>A permitted food establishment that presents a low relative risk of causing foodborne illness and is limited to food establishments that:</u> <u>(A) Do not cook, cool, or reheat TCS food,</u> <u>(B) Rethermalize only commercially processed food for hot holding or immediate service,</u> <u>and</u> <u>(C) Conducts only limited food preparation steps such as scooping, slicing, or adding toppings to ready-to eat food.</u>
Chapter 2 Management and Personnel	
2-102.11 Knowledge The PERSON IN CHARGE shall demonstrate to the HEALTH AUTHORITY, during inspections and upon request, knowledge of FOOD BORNE ILLNESS and disease prevention, application of the HACCP principles, and the requirements of these Regulations. Except as specified in Section 8-205.11 of these Regulations, the PERSON IN CHARGE shall demonstrate this knowledge in relation to the RISKS inherent in a specific FOOD operation by [various] criteria [listed]	2-102.2 Certified Food Protection Manager (A) The PIC must be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program. (B) This section does not apply to certain types of low-risk, temporary, or other types of food establishments - food establishments deemed by the Health Authority to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of food preparation.
	A detailed description of reporting symptoms, diagnoses, exclusions, and restrictions was added: 2-201.1 Responsibilities and Reporting Symptoms and Diagnosis 2-201.2 Exclusions and Restrictions

	<p>2-501 Procedures for Clean-up of Vomiting and Diarrheal Events A food establishment must have written procedures for employees to follow when responding to events that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment. The procedures must address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter. Pf</p>
	<p><u>2-601(C) First Draft Language</u> <u>The issued card must be maintained at their workstation, or on their person, and be available for review by the Health Authority.</u></p> <p><u>2-601(C) Final Draft Language</u> <u>The food handler must provide proof of a valid food handler safety training card to the Health Authority upon request.</u></p>
	<p>2-602 Persons Exempt from Food Handler Safety Training Card Requirements The following are exempt from obtaining a food handler safety training card:</p> <ul style="list-style-type: none"> (A) A person employed in a food establishment who only handles food that is packaged and not TCS food and only handles TCS foods incidentally, outside the normal and usual course of the person’s assigned duties, (B) Temporary trainers, guest chefs, and other personnel working at a food establishment for not more than seven calendar days within a 6-month period, (C) Persons who are Registered Environmental Health Specialists, (D) Student volunteers <u>working</u> in a school kitchen who work under the supervision of a Certified Food Safety-Protection Manager, <u>(E) Volunteers working for a 501(c)(3) under the supervision of a Certified Food Protection Manager,</u> (F) Inmates who work under the management of a Certified Food Safety Manager, and (G) Individuals unable to obtain a Food Handler Safety Training Card because of a disability who work under the supervision of a Certified Food Safety Manager.
<p>Chapter 3 Food</p>	
	<p>3-201.1 Compliance with Food Law</p> <ul style="list-style-type: none"> (E) Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in ¶ 3-401.1(C) must be: <ul style="list-style-type: none"> (1) Obtained from a food processing establishment that, upon request by the purchaser, packages the steaks and labels them, to indicate that the steaks meet the definition of whole-muscle, intact beef, Pf or (2) Deemed acceptable by the Health Authority based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of whole-muscle, intact beef, Pf and (3) If individually cut in a food establishment: <ul style="list-style-type: none"> (a) Cut from whole-muscle, intact beef that is labeled by a food processing establishment as specified in Subparagraph (E)(1) of this section or identified as specified in Subparagraph (E)(2) of this section, Pf

	<ul style="list-style-type: none"> (b) Prepared so they remain intact, Pf and (c) If packaged for undercooking in a food establishment, labeled as specified in Subparagraph (E)(1) of this section or identified as specified in (E)(2) of this section. Pf
<p>3-202 Specifications for Receiving 3-202.11 Temperature (A) Refrigerated PHF (TCS) shall be received at a temperature of 41 °F ±2° or below, except that milk and live MOLLUSCAN SHELLSTOCK may be received at 45 °F ±2°.</p>	<p>Specifications for Receiving 3-202.1 Temperature (B) <u>To maintain TCS food at a temperature of 41 °F or below in receiving areas that service multiple food establishments, adequate refrigeration large enough to store palletized goods is required in the receiving area.</u> <u>(C)</u> If a temperature other than 41 °F (5 °C) for a TCS food is specified in law governing its distribution, such as laws governing milk and molluscan shellfish, the food must be received at or below the specified temperature.</p>
<p>3-203 Original Containers and Records 3-203.11 Maintaining SHELLSTOCK Identification (A) SHELLSTOCK tags shall remain attached to the container in which the SHELLSTOCK was received by the FOOD ESTABLISHMENT until the container is empty or remain with the product while in storage. (B) Tags or labels, from SHELLSTOCK that have been sold or served, shall be maintained for a minimum of 90 calendar days from the date that is recorded on the tag or label. A record keeping system that keeps the tags or labels in chronological order, correlated to the date when or dates during, which the SHELLSTOCK are sold or served shall be maintained. (C) If SHELLSTOCK is removed from its tagged or labeled container: (1) The source identification shall be preserved by using a record keeping system as specified in Paragraph B of this Section. (2) The SHELLSTOCK shall not be COMMINGLED with SHELLSTOCK from another container, unless and until, being ordered by the CONSUMER.</p>	<p>3-203 Original Containers and Records 3-203.1 Molluscan Shellfish, Original Container (A) Except as specified in ¶¶ (B)—(D) of this section, molluscan shellfish must not be removed from the container in which they are received other than immediately before sale or preparation for service. (B) For display purposes, shellstock may be removed from the container in which they are received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer only when: (1) The source of the shellstock on display is identified as specified under § 3-202.8 and recorded as specified under § 3-203.2, and (2) The shellstock are protected from contamination. (C) Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer’s request only when: (1) The labeling information for the shellfish on display as specified under § 3-202.7 is retained and correlated to the date when, or dates during which, the shellfish are sold or served, and (2) The shellfish are protected from contamination. (D) Shucked shellfish may be removed from the container in which they were received and repacked in consumer self-service containers only when: (1) The labeling information for the shellfish is on each consumer self-service container as specified under § 3-202.7 and ¶¶ 3-602.1(A) and (B)(1)-(5), (2) The labeling information as specified under § 3-202.7 is retained and correlated with the date when, or dates during which, the shellfish are sold or served, (3) The labeling information and dates specified under Subparagraph (D)(2) of this section are maintained for 90 calendar days, and (4) The shellfish are protected from contamination.</p> <p>3-203.2 Shellstock, Maintaining Identification</p>

	<p>(A) Except as specified under Subparagraph (C)(2) of this section, shellstock tags or labels must remain attached to the container in which the shellstock are received until the container is empty. Pf</p> <p>(B) The date when the last shellstock from the container is sold or served must be recorded on the tag or label. Pf</p> <p>(C) The identity of the source of shellstock that are sold or served must be maintained by retaining tags or labels for 90 calendar days from the date that is recorded on the tag or label, as specified under ¶ (B) of this section, by: Pf</p> <p>(1) Using an approved record keeping system that keeps the tags or labels in chronological order correlated to the date that is recorded on the tag or label, as specified under ¶ (B) of this section, Pf and</p> <p>(2) If shellstock are removed from the tagged or labeled container:</p> <p>(a) Preserving source identification by using a record keeping system as specified under Subparagraph (C)(1) of this section, Pf and</p> <p>(b) Ensuring that shellstock from one tagged or labeled container are not commingled with shellstock from another container with different certification numbers; different harvest dates; or different growing areas as identified on the tag or label before being ordered by the consumer. Pf</p>																				
<p>3-302.12 FOOD Storage Containers Identified with Common Name of FOOD Except for containers holding FOOD that can be readily and unmistakably recognized including but not limited to dry pasta, working containers holding FOOD, or FOOD ingredients that are removed from their original packages for use in the FOOD ESTABLISHMENT, including but not limited to cooking oil, flour, herbs, potato flakes, salt, spices, and sugar shall be identified, in English, with the common name of the FOOD. Other applicable languages may be used in addition to the English name.</p>	<p>3-202.2 Food Storage Containers, Identified with Common Name of Food Except for containers holding food that can be readily and unmistakably recognized such as dry pasta, working containers holding food or food ingredients that are removed from their original packages for use in the food establishment, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar must be identified with the common name of the food.</p>																				
<p>3-304.12 In-Use Utensils, Between-Use Storage (F) In a container of water, if the water is maintained at a temperature of 41 °F ±2° or below, or at 135 °F ±2° or above, and the UTENSILS and container are cleaned at least every four hours, or more often if necessary to preclude accumulation of FOOD residue.</p>	<p>3-304.2 In-Use Utensils, Between-Use Storage (G) In a container of ice or water maintained at a temperature of 41 °F (5 °C) or lower, if the in-use utensils are only used for non-TCS foods and the container is<u>are</u> cleaned at a frequency specified under Subparagraph 4-602.1(D)(6).</p>																				
<table border="1"> <thead> <tr> <th data-bbox="71 1062 798 1096">3-401.11 Raw Animal Foods</th> <th data-bbox="798 1062 1045 1096">Cook Temperature</th> </tr> </thead> <tbody> <tr> <td data-bbox="71 1096 798 1149">Raw Eggs cooked for immediate service</td> <td data-bbox="798 1096 1045 1149">145 °F for 15 seconds</td> </tr> <tr> <td data-bbox="71 1149 798 1247">Ratites, mechanically tenderized, and injected meats; and if they are comminuted: fish, meat, game animals commercially raised</td> <td data-bbox="798 1149 1045 1247">155 °F for 15 seconds</td> </tr> <tr> <td data-bbox="71 1247 798 1328">Poultry, baluts, stuffed animal products, or stuffing containing animal products</td> <td data-bbox="798 1247 1045 1328">165 °F for 15 seconds</td> </tr> <tr> <td data-bbox="71 1328 798 1401">Whole-muscle intact beef steak</td> <td data-bbox="798 1328 1045 1401">145 °F Internal</td> </tr> </tbody> </table>	3-401.11 Raw Animal Foods	Cook Temperature	Raw Eggs cooked for immediate service	145 °F for 15 seconds	Ratites, mechanically tenderized, and injected meats; and if they are comminuted: fish, meat, game animals commercially raised	155 °F for 15 seconds	Poultry, baluts, stuffed animal products, or stuffing containing animal products	165 °F for 15 seconds	Whole-muscle intact beef steak	145 °F Internal	<table border="1"> <thead> <tr> <th data-bbox="1045 1062 1365 1096">3-401.1 Raw Animal Foods</th> <th data-bbox="1365 1062 2028 1096">Cook Temperature</th> </tr> </thead> <tbody> <tr> <td data-bbox="1045 1096 1365 1149">Raw Eggs broken and cooked for immediate service</td> <td data-bbox="1365 1096 2028 1149">145 °F for 15 seconds</td> </tr> <tr> <td data-bbox="1045 1149 1365 1247">Ratites, mechanically tenderized, and injected meats; and if they are comminuted: fish, meat, game animals commercially raised</td> <td data-bbox="1365 1149 2028 1247">155 °F for 17 seconds</td> </tr> <tr> <td data-bbox="1045 1247 1365 1328">Poultry, baluts, stuffed animal products, or stuffing containing animal products</td> <td data-bbox="1365 1247 2028 1328">165 °F for <1 second</td> </tr> <tr> <td data-bbox="1045 1328 1365 1401">Whole-muscle intact beef steak</td> <td data-bbox="1365 1328 2028 1401">External surface cooked to 145 °F</td> </tr> </tbody> </table>	3-401.1 Raw Animal Foods	Cook Temperature	Raw Eggs broken and cooked for immediate service	145 °F for 15 seconds	Ratites, mechanically tenderized, and injected meats; and if they are comminuted: fish, meat, game animals commercially raised	155 °F for 17 seconds	Poultry, baluts, stuffed animal products, or stuffing containing animal products	165 °F for <1 second	Whole-muscle intact beef steak	External surface cooked to 145 °F
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	<p>3-401.4 Non-Continuous Cooking of Raw Animal Foods</p>																				

	<p>Raw animal foods that are cooked using a non-continuous cooking process, <u>and are not served the same day, must shall</u> be:</p> <ul style="list-style-type: none"> (A) Subject to an initial heating process that is no longer than 60 minutes in duration; ^P (B) Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked Time/Temperature Control for Safety food under ¶ 3-501.4(A); ^P (C) After cooling, held frozen or cold, as specified for Time/Temperature Control for Safety food under ¶ 3-501.6(A)(2); ^P (D) Prior to sale or service, cooked using a process that heats all parts of the food to a temperature and for a time as specified under ¶¶ 3-401.1 (A)-(C); ^P (E) Cooled according to the time and temperature parameters specified for cooked Time/Temperature Control for Safety food under ¶ 3-501.4(A) if not either hot held as specified under ¶ 3-501.6(A), served immediately, or held using time as a public health control as specified under § 3-501.9 after complete cooking ^P; and (F) Prepared and stored according to written procedures that: <ul style="list-style-type: none"> (1) Have obtained prior approval from the health authority; (2) Are maintained in the food establishment and is available to the health authority upon request; (3) Describe how the requirements specified under ¶ (A)-(E) of this section are to be monitored and documented by the permit holder and the corrective actions to be taken if the requirements are not met; (4) Describe how the foods, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as foods that must be cooked as specified under ¶ (D) of this section prior to being offered for sale or service; and (5) Describe how the foods, after initial heating but prior to cooking as specified under ¶ (D) of this section, are to be separated from ready-to-eat foods as specified under ¶ 3-302.1 (A).
<p>3-501.16 POTENTIALLY HAZARDOUS FOOD (TCS), Hot and Cold Holding Except during preparation, cooking, or cooling, or when time is used as the means of public health control, PHF (TCS) shall be maintained at 135 °F ±2° or above, or at 41 °F ±2° or below, except:</p> <ul style="list-style-type: none"> (A) Roast beef that is properly cooked or reheated shall be maintained at 130 °F ±2° or above for 112 minutes. (B) FOOD that is cooked or served within 72 hours after the time when its temperature is between 41 °F ±2° to 45 °F ±2°. FOOD shall be labeled with the appropriate date and time. 	<p>3-501.6 TCS Food, Hot and Cold Holding</p> <ul style="list-style-type: none"> (A) Except during active preparation, cooking, or cooling, or when time is used as the public health control as specified under § 3-501.9, and except as specified under ¶ (B) and in ¶ (C) of this section, Time/Temperature Control for Safety food shall be maintained: <ul style="list-style-type: none"> (1) At 135 °F (57 °C) or above, except that roasts cooked to a temperature and for a time specified in ¶ 3-401.1(B) or reheated as specified in ¶ 3-403.1(E) may be held at a temperature of 130 °F (54 °C) ^P or above; or (2) At 41 °F (5 °C) or less. ^P <u>(D) TCS food that is held cold between 42 °F — 45 °F must be served, cooked and served, or discarded within 24 hours and must be labeled with an expiration date.</u>
<p>3-501.19 Time as a Public Health Control</p> <ul style="list-style-type: none"> (C) If time only, rather than time in conjunction with temperature control up to a maximum of six hours, is used as the means of public health control: <ul style="list-style-type: none"> (3) The FOOD shall be marked or otherwise identified to indicate: <ul style="list-style-type: none"> (a) The time when the FOOD is removed from 41 °F ±2° or below cold holding temperature control. 	<p>3-501.9 Time as a Public Health Control</p> <ul style="list-style-type: none"> (C) If time without temperature control is used as the public health control up to a maximum of six hours: <ul style="list-style-type: none"> (3) The food must be marked or otherwise identified to indicate: Pf <ul style="list-style-type: none"> (a) The time when the food is removed from 41 °F (5 °C) or below cold holding temperature control, and

	<p>(b) The time that is six hours past the point in time when the food is removed from cold holding temperature control,</p>
	<p>3-502.2 Reduced Oxygen Packaging Without a Waiver, Criteria (F) A HACCP plan is not required when a food establishment uses a reduced oxygen packaging method to package TCS food that is always:</p> <ol style="list-style-type: none"> (1) Labeled with the production time and date, (2) Held at 41 °F (5 °C) or less during refrigerated storage, and (3) Removed from its package in the food establishment within 48 hours after packaging.
	<p><u>3-502 Specialized Processing Methods</u> <u>3-502.1 Waiver Requirement</u></p> <p><u>A food establishment must obtain a waiver from the Health Authority as specified in § 8-103.1 and under § 8-103.2 before:</u></p> <p><u>(A) Smoking food as a method of food preservation rather than as a method of flavor enhancement,</u></p> <p><u>(B) Curing food,</u></p> <p><u>(C) Using food additives or adding components such as vinegar: ^{PF}</u></p> <ol style="list-style-type: none"> <u>(1) As a method of food preservation rather than as a method of flavor enhancement,</u> <u>(2) To render a food so that it is not TCS food, or</u> <u>(3) The additive has an upper-limit or maximum-use concentration as specified in 21 CFR Parts 170-186 Food additive and GRAS regulations and are generally recognized as safe when used in accordance with good manufacturing practices.</u> <u>(4) The Health Authority may approve an exemption to 3-201.1 (C)(1) if, based on annual lab testing for aw, pH, or a challenge study, the food is proven to be non-TCS and is sold only at retail with no distribution to other entities. Examples include but are not limited to salsa, sushi rice, masa dough, hot brine pickling, and vegetable kimchi.</u> <p><u>(D) Packaging TCS food using a reduced oxygen packaging method, except a waiver is not required when the growth of and toxin formation by <i>Clostridium botulinum</i> and the growth of <i>Listeria monocytogenes</i> are controlled as specified under § 3-502.2,</u></p> <p><u>(E) Operating a molluscan shellstock life-support system display tank used to store or display shellstock that are offered for human consumption,</u></p> <p><u>(F) Custom processing animals that are for personal use as food and are not sold, offered or displayed for sale, or service in a food establishment, and</u></p>

	<p><u>(G) Sprouting of seeds or beans.</u></p>
<p>3-602.11 FOOD Labeling (A) FOOD PACKAGED in a FOOD ESTABLISHMENT, for off-PREMISE consumption within Clark County, shall be labeled in English, and as specified in LAW, including 21 CFR 101 Food Labeling, and 9 CFR 317 Labeling, Marking Devices and Containers. A guidance document is provided in Appendix E. (B) Packages of FOOD, prepared within Clark County including processed FOOD, dietary supplements, and packages of FOOD re-PACKAGED from bulk that are for sale in a FOOD ESTABLISHMENT, for off-PREMISE consumption, shall have a label reviewed and APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION. Any fees required shall be paid in full before any label may be used or the PACKAGED FOOD may be sold.</p>	<p>3-602.1 Food Labels (A) Food packaged in a permitted food establishment for retail sale must be labeled as specified in NAC 446.187 <i>Labeling</i>, 21 CFR 101 <i>Food Labeling</i>, and 9 CFR 317 <i>Labeling, Marking Devices, and Containers</i>.</p>
<p>Chapter 4 Equipment and Utensils</p>	
<p>4-402.11 Cleaning and Sanitizing FOOD-CONTACT SURFACES (A) Sponges and Abrasive Cleaning Articles: (1) Sponges shall not be used for cleaning FOOD-CONTACT SURFACES, EQUIPMENT, or UTENSILS in a FOOD ESTABLISHMENT.</p>	<p>4-101.6 Sponges, Use Limitation Sponges must not be used in contact with cleaned and sanitized or in-use food-contact surfaces.</p>
<p>Temperatures throughout specify ± 2 °F</p>	<p>4-203 Accuracy 4-203.1 Temperature Measuring Devices, Food (A) Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit must be accurate to ± 1 °C in the intended range of use. Pf (B) Food temperature measuring devices that are scaled only in Fahrenheit must be accurate to ± 2 °F in the intended range of use. Pf 4-203.2 Temperature Measuring Devices, Ambient Air and Water (A) Ambient air and water temperature measuring devices that are scaled in Celsius or dually scaled in Celsius and Fahrenheit must be designed to be easily readable and accurate to ± 1.5 °C in the intended range of use. Pf (B) Ambient air and water temperature measuring devices that are scaled only in Fahrenheit must be accurate to ± 3 °F in the intended range of use. Pf</p>
<p>4-202.12 Three-Compartment Sinks (D) PERMITTED satellite areas, including bars, operating in conjunction with a main WARE WASHING facility, owned, leased, or managed by the same PERMITTED, may operate without a three compartment sink provided that a glass washer is provided at the bar, and in all cases, WARE WASHING procedures must be APPROVED by the HEALTH AUTHORITY.</p>	<p>4-301.2 Manual Warewashing, Sink Compartment Requirements (D) Satellite areas operated by the same person within a food establishment may operate without a three-compartment sink if there is a three-compartment sink available for use within 600 feet of the satellite area and the satellite area: (1) Has a warewashing machine, (2) Is a low-risk food establishment and uses disposable service wares, or (3) Is a low-risk food establishment and no soiled service wares are returned to the satellite area after consumer use.</p>

<p>4-202.15 Ventilation Hood System</p> <p>(A) Adequacy:</p> <ol style="list-style-type: none"> (1) A ventilation hood shall be installed: <ol style="list-style-type: none"> (a) Over cooking EQUIPMENT that releases grease laden vapors. (b) Where required by local building and safety authorities. (c) When accumulation of greasy residue on walls or ceiling indicates that grease laden vapor is not being properly removed. (2) Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from accumulation on walls and/or ceilings. (3) Sunday brunches, temporary set-ups, table-side cooking, sampling, and demonstrations may be exempt, provided grease does not accumulate in the immediate area, as determined by the HEALTH AUTHORITY. 	<p>4-301.4 Ventilation Hood Systems, Adequacy</p> <p>Ventilation hood systems and devices must be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.</p>												
<p>4-402.11 Cleaning and Sanitizing FOOD-CONTACT SURFACES</p> <p>(3) Sanitizing of washed and rinsed EQUIPMENT and UTENSILS: After being washed and rinsed, FOOD-CONTACT SURFACES of EQUIPMENT and UTENSILS shall be sanitized by APPROVED manual or mechanical methods, using one of the sanitizers listed in 21 CFR 178.1010, Sanitizing Solutions, and used as follows:</p> <ol style="list-style-type: none"> (a) Chlorine sanitizers: A chlorine sanitizing solution shall be applied at a concentration of at least 50 ppm or a concentration as specified by the manufacturer. (b) Iodine Sanitizers: An iodine sanitizing solution shall have a: <ol style="list-style-type: none"> (i) Concentration of at least 12.5 ppm, and not more than 25 ppm. (ii) pH and temperature as specified by the manufacturer. (c) Quaternary Ammonium Sanitizers: A quaternary ammonium compound shall: <ol style="list-style-type: none"> (i) Be applied at a concentration as specified by the manufacturer. (ii) Be used only within the water temperature and water hardness limits as specified by the manufacturer. (iii) Not be used in a WARE WASHING machine unless the manufacturer's label specifies such use. (d) Applied at the concentration as specified in the current Food Code. (e) Detergent Sanitizers: If a detergent sanitizer is used without a distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same detergent sanitizer that is used in the washing step. (f) Other APPROVED Sanitizers: A sanitizer listed in 21 CFR 178.1010, Sanitizing Solutions, but is not covered in Section 4-402.11 (B) (3) (a-d) of this Chapter, shall: <ol style="list-style-type: none"> (i) Be applied in accordance with the manufacturer's use directions included in the labeling. 	<p>4-501.14 Manual and Mechanical Warewashing Equipment, Chemical Sanitization- Temperature, pH, Concentration, and Hardness</p> <p>A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at contact times specified under ¶4-702(C) must meet the criteria specified under §7-204.1 Sanitizers, Criteria, must be used in accordance with the EPA-registered label use instructions, and must be used as follows:</p> <p>(A) A chlorine solution must have a minimum temperature based on the concentration and pH of the solution as listed in the following chart, P</p> <table border="1" data-bbox="1186 781 1892 1000"> <thead> <tr> <th>Concentration Range (MG/L)</th> <th>Minimum Temperature PH 10 or less °F (°C)</th> <th>Minimum Temperature PH 8 or less °F (°C)</th> </tr> </thead> <tbody> <tr> <td>25-49</td> <td>120 (49)</td> <td>120 (49)</td> </tr> <tr> <td>50-99</td> <td>100 (38)</td> <td>75 (24)</td> </tr> <tr> <td>100</td> <td>55 (13)</td> <td>55 (13)</td> </tr> </tbody> </table> <p>(B) An iodine solution must have a:</p> <ol style="list-style-type: none"> (1) Minimum temperature of 68 °F (20 °C), (2) pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective, P and (3) Concentration between 12.5 MG/L and 25 MG/L, <p>(C) A quaternary ammonium compound solution must:</p> <ol style="list-style-type: none"> (1) Have a minimum temperature of 75 °F (24 °C), (2) Have a concentration as specified under § 7-204.1 and as indicated by the manufacturer's use directions included in the labeling, P and (3) Be used only in water with 500 MG/L hardness or less or in water having a hardness no greater than specified by the EPA-registered label use instructions, <p>(D) If another solution of a chemical specified under ¶¶ (A)-(C) of this section is used, the permit holder must demonstrate to the Health Authority that the solution achieves sanitization and the use of the solution must be approved,</p>	Concentration Range (MG/L)	Minimum Temperature PH 10 or less °F (°C)	Minimum Temperature PH 8 or less °F (°C)	25-49	120 (49)	120 (49)	50-99	100 (38)	75 (24)	100	55 (13)	55 (13)
Concentration Range (MG/L)	Minimum Temperature PH 10 or less °F (°C)	Minimum Temperature PH 8 or less °F (°C)											
25-49	120 (49)	120 (49)											
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100	55 (13)	55 (13)											

<p>(ii) Provide effective SANITIZATION. The PERMIT HOLDER shall demonstrate to the HEALTH AUTHORITY that the solution can be monitored by an accurate and easily usable method.</p>	
	<p>4-602 Frequency 4-602.1 Equipment Food-Contact Surfaces and Utensils (F) To verify that the frequency of cleaning for ice bins, ice makers, and water vending machines is adequate, a food establishment that is packaging ice for human consumption must submit to an approved laboratory, once every six months, a sample of each type of finished product for microbiological analysis. The analysis must include testing for fecal coliform and total coliform organisms, and: (1) If the test results in a positive sample, the unit must be taken out of service until such time a follow up test confirms the absence of total coliform. (2) Records of sampling and analyses must be maintained for a period of not less than 2 years and made available to the Health Authority upon request.</p>
<p>Chapter 5 Water, Plumbing, and Waste</p>	
<p>5-204.11 Toilet Facilities Within FOOD ESTABLISHMENTS (A) Owner/operators of FOOD service facilities shall provide conveniently located toilet facilities for their employees. Public restrooms may be utilized for employees provided they are within the same building, are conveniently located to the FOOD ESTABLISHMENT, and are accessible to employees during all hours of the FOOD ESTABLISHMENT's operation. (B) Public access to toilet facilities shall not be allowed through a FOOD preparation, FOOD storage, or WARE WASHING area. (C) FOOD ESTABLISHMENTS, located within theme parks and entertainment complexes, may utilize centrally located restrooms that are reasonably accessible. (D) A FOOD ESTABLISHMENT that provides public seating shall have separate public restrooms for males and females when 10 or more public seats are provided. Only one restroom is required if there is less than 10 seats. (1) Public seating includes seats, benches, stools and similar furniture provided by the owner or operator of a building, mall, or similar operation for use by the FOOD ESTABLISHMENT and located within 25' of the ESTABLISHMENT. (2) FOOD ESTABLISHMENTS holding existing PERMITS that were APPROVED for customer seating with a single customer restroom shall be exempt from this requirement until the FOOD ESTABLISHMENT is extensively remodeled or the existing PERMIT lapses for greater than one billing cycle.</p>	<p>5-203.2 Toilets and Urinals At least one (1) toilet, and not fewer than the toilets required by LAW, shall be provided for use by employees in each food establishment. If authorized by LAW and urinals are substituted for toilets, the substitution shall be done as specified in LAW. (A) Public restrooms may be utilized for employees provided they are located within 200 feet of the food establishment and are accessible to employees during all hours of the food establishment's operation.</p>
<p>5-203 Service Sinks 5-203.11 Requirements (A) All service sinks, including but not limited to mop sinks and can wash stations, and all FOOD-handling sinks, including but not limited to dump sinks, blender stations, produce sinks, and other FOOD preparation sinks, shall be serviced with hot and cold running water through a mixing or combination faucet.</p>	<p>5-203.3 Service Sink (A) At least one service sink or one curbed cleaning facility equipped with a floor drain must be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid wastewater. (B) Toilets, urinals, or sinks normally used for preparing food or washing utensils or equipment may not be used as a service sink for the disposal of commercial or industrial wastewater such as mop water.</p>

<p>(B) At least one service sink, or one curbed cleaning sink equipped with a floor drain, directly connected to sewer shall be provided and conveniently located for cleaning of mops or similar wet floor cleaning tools, and for the disposal of mop water and similar liquid waste. The faucets at this sink shall be protected by a backflow prevention device. This sink shall not be used for FOOD preparation, FOOD handling, or for hand washing. Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.</p>	
<p>5-205.15 Backflow Prevention Device, Carbonator</p> <p>(A) A reduced pressure zone valve assembly shall be installed upstream from a carbonator device and downstream from any water supply line containing copper.</p> <p>(B) Backflow prevention devices attached to carbonator systems shall be tested and certified at least annually by a certified backflow prevention specialist. A copy of the certification shall be provided to the HEALTH AUTHORITY upon request.</p> <p>(C) Backflow prevention devices shall be tagged to show the last date the assembly was tested and certified.</p>	<p>5-203.5 Backflow Prevention Device, Carbonator</p> <p>(A) If not provided with an air gap as specified under §5-202.3, a dual check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 1 inch (100 mesh to 25.4 mm) must be installed upstream from a carbonating device and downstream from any copper in the water supply line.</p> <p>(B) A dual check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified under ¶ (A) of this section.</p>
<p>5-202.12 HAND WASHING SINKS, Location</p> <p>(A) Wall-hung HAND WASHING SINKS shall be installed and located to allow convenient use by employees in areas used to prepare FOOD and wash UTENSILS.</p> <p>(B) In areas without walls, such as buffets, carving stations, and island stations, or due to EQUIPMENT configuration prohibiting conventional design, the HEALTH AUTHORITY may approve alternate HAND WASHING SINK design and placement. HAND WASHING SINKS shall be conveniently located and easily accessible to employees at all times.</p> <p>(C) HAND WASHING SINKS shall be easily accessible and available to employees without opening doors or moving barriers.</p> <p>(D) BEVERAGE and ice dispensing areas in new and extensively remodeled establishments shall have a separate and distinct wall-hung HAND WASHING SINK, if:</p> <ol style="list-style-type: none"> (1) Located in a FOOD pick-up area. (2) Bussing of soiled TABLEWARE area. (3) Any open FOOD including but not limited to soup, toast, garnishes, salads, or salad dressings is placed in the area. (4) Bagging ice. <p>(E) Additional HAND WASHING SINKS are not required in areas used solely for the bussing of soiled TABLEWARE.</p> <p>(F) All dish washing areas shall have convenient and easily accessible wall-hung HAND WASHING SINKS to allow proper hand washing after loading soiled TABLEWARE, and prior to unloading clean TABLEWARE.</p> <p>(G) HAND WASHING SINKS shall be located in, or immediately adjacent to, rooms with toilets, or in toilet vestibules. Sinks used for preparing FOOD or for washing EQUIPMENT or UTENSILS may not be used for washing hands. The rinsing of FOOD and UTENSILS in HAND WASHING SINKS is prohibited.</p> <p>(H) Fixed dispensers of liquid soap or detergent for cleaning hands shall be available at all HAND WASHING SINKS. Interim portable soap dispensers may be temporarily used when repairs may be required for fixed dispensers.</p>	<p>5-204 Location and Placement</p> <p>5-204.1 Handwashing Sinks</p> <p>(A) A handwashing sink shall be located:</p> <ol style="list-style-type: none"> (1) In each permit area to allow convenient use by employees in food preparation, food dispensing, and warewashing areas; (2) In, or immediately adjacent to, toilet rooms. <p>(B) A handwashing sink shall be stocked with:</p> <ol style="list-style-type: none"> (1) A cleaning compound for hands in a fixed dispenser, (2) Disposable towels in a fixed dispenser; and, (3) A lined waste receptacle

<ul style="list-style-type: none"> (I) A supply of sanitary, disposable towels for drying hands shall be conveniently located near each HAND WASHING SINK. Shared common towels are prohibited. Waste receptacles that are EASILY CLEANABLE shall be conveniently located near the HAND WASHING SINK. Cloth towels are prohibited at employee HAND WASHING SINKS. (J) HAND WASHING SINKs, dispensers for soap, towel dispensers, and all related fixtures shall be kept clean and in good repair. Hand blow dryers shall not be used at HAND WASHING SINKs as a sole means for drying hands in areas used by employees. (K) A HAND WASHING SINK may have a direct connection to a sewer line drain. (L) In areas that process or prepare raw FOOD of animal origin for consumption of as READY-TO-EAT FOOD, a separate HAND WASHING SINK shall be provided for the sole use of that operation. 	
<p>5-402.12 Backflow Prevention</p> <p>A direct connection shall not exist between the SEWAGE system and a drain receiving discharges from EQUIPMENT in which FOOD, portable EQUIPMENT, or UTENSILS are placed. An air gap of at least 1" shall be provided between the EQUIPMENT drain pipe and the flood level rim of the floor drain. To reduce splash at the floor drain, the drain pipe may be cut at an angle, if adequate air gap is provided.</p>	<p>5-402.2 Backflow Prevention</p> <ul style="list-style-type: none"> (A) Except as specified in ¶¶ (B), and (C) of this section, a direct connection must not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed. P (B) Paragraph (A) of this section does not apply to floor drains that originate in refrigerated spaces that are constructed as an integral part of the building. (C) If allowed by law, a warewashing machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 5 feet (1.5 m) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.
<p>5-402.13 Grease Trap</p> <ul style="list-style-type: none"> (A) As per the regulations adopted by the <i>Southern Nevada Uniform Plumbing Code</i>, one or more grease traps or grease interceptors shall be installed at any FOOD ESTABLISHMENT that generates grease that could enter a sewer system. (B) Grease traps or grease interceptors shall be EASILY CLEANABLE. (C) A grease trap or grease interceptor shall be located outside the FOOD ESTABLISHMENT whenever possible. (D) A grease trap or grease interceptor shall not be located in any area where FOOD is prepared, or where UTENSILS or TABLEWARE are washed or stored. Prior to installation the location shall be APPROVED by the HEALTH AUTHORITY. (E) Alternative methods of grease disposal (grease machines) may be located within a FOOD ESTABLISHMENT with prior approval from the HEALTH AUTHORITY. 	<p>5-402.3 Grease Interceptor</p> <p>If present, a grease interceptor must be located to be easily accessible for cleaning, maintenance, and inspections.</p>
<p>5-402.14 Conveying SEWAGE</p> <ul style="list-style-type: none"> (A) SEWAGE shall be conveyed to the point of disposal through an APPROVED sanitary SEWAGE system, or other APPROVED system, including use of SEWAGE transport VEHICLES, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated in an APPROVED manner. (B) Soil and waste lines shall not be installed over FOOD preparation, storage, or EQUIPMENT and UTENSIL cleaning areas, unless separated by the floor immediately above or by some other method APPROVED by the HEALTH AUTHORITY such as the installation of trough pans under roof drain lines, soil lines, and waste lines which are drained into floor sinks. 	<p>5-402.4 Conveying Sewage</p> <p>Sewage must be conveyed to the point of disposal through an approved sanitary sewage system or other approved system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to law.</p>

<p>5-402.15 Gravity Drainage of Liquid Waste Effluent from EQUIPMENT to Sewer</p> <p>(A) Drainage of all liquid waste effluent from EQUIPMENT to sewer shall be accomplished by gravity at not less than 1 inch per 12 of fall.</p> <p>(B) Sump pumps and lift stations are not allowed for the purpose of draining FOOD service EQUIPMENT to sewer, except in the case of a lift station installed outside the FOOD ESTABLISHMENT that has been APPROVED by the building and sanitation REGULATORY AUTHORITY. In such a case, an alarm system with both audio and visual signals shall be installed within each FOOD ESTABLISHMENT serviced by the lift stations.</p> <p>(C) Evaporative wastewater may be drained to a heated evaporative pan device APPROVED by the HEALTH AUTHORITY.</p> <p>(D) Secondary HVAC drains, within FOOD processing or storage areas, may not terminate at the ceiling or at any place that may be a source of FOOD or UTENSIL CONTAMINATION.</p>	
<p>Chapter 6 Facilities</p>	
	<p>6-301.1 Handwashing Signage A sign or poster that notifies food employees to wash their hands shall be provided at all wall mounted handwashing sinks used by food employees and shall be clearly visible to food employees.</p>
<p>6-601.19 Lighting</p> <p>(A) At least 50-foot candles of light are required on all work surfaces of EQUIPMENT.</p> <p>(B) BARBECUE units without overhead lighting shall cease operations when ambient lighting is insufficient to meet this requirement.</p>	<p>6-303 Lighting Intensity The light intensity must be:</p> <p>(A) At least ten foot candles (108 lux) at a distance of 30 inches (75 cm) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of use or cleaning,</p> <p>(B) At least 20 foot candles (215 lux):</p> <ol style="list-style-type: none"> (1) At a surface where food is provided for consumer self-service such as buffets and salad bars or where fresh produce or packaged foods are sold, offered or displayed for sale, or served, (2) Inside equipment such as reach-in and under-counter refrigerators, and (3) At a distance of 30 inches (75 cm) above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in restrooms, and, <p>(C) At least 50 foot candles (540 lux) at a surface where a food handler is working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor.</p>
<p>6-501.21 Prohibiting Animals Live animals shall be allowed on the PREMISES of a FOOD ESTABLISHMENT only in the following situations and provided that CONTAMINATION of FOOD, clean EQUIPMENT, UTENSILS, LINEN, and unwrapped SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES shall not occur:</p> <p>(A) In areas that are not used for FOOD preparation, and that are usually open for customers, including but not limited to dining and sales areas, SERVICE ANIMALS that are controlled by the disabled employee or PERSON, if a health or safety HAZARD will not result from the presence or activities of the SERVICE ANIMAL. Such animals shall not be allowed on the seats and/or tables in a FOOD ESTABLISHMENT.</p>	<p>6-501.14 Prohibiting Animals</p> <p>(A) Except as specified in ¶¶ (B) and (C) of this section, live animals must not be allowed on the premises of a food establishment. Pf</p> <p>(B) Live animals may be allowed in the following situations if the contamination of food, grocery carts or baskets, dining tables or chairs, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result:</p> <ol style="list-style-type: none"> (5) Dogs in outdoor dining areas, which are accessible without passing through the food establishment, and the patrons and staff operate in accordance with a signed Dogs in Outdoor Dining Areas Agreement (Appendix C),

<p>Chapter 7 Poisonous or Toxic Materials</p> <p>No significant change</p>	
<p>Chapter 8 Compliance and Enforcement</p>	
<p>8-203.12 Change of Ownership of an Existing Establishment An existing FOOD ESTABLISHMENT, at the time of change of ownership, shall meet the following requirements prior to issuance of a health PERMIT:</p> <p>(C) Facilities receiving more than 10 DEMERITS of violations shall be closed until applicable fees are paid, and a reinspection is conducted resulting in a total of 10 DEMERITS or less of violations, with no identical CRITICAL or MAJOR VIOLATIONS remaining.</p>	<p>8-303 Issuance 8-303.1 Permit Issuance The Health Authority may issue a permit to a food establishment after the following requirements are met:</p> <p>(C) A final permitting inspection shows that the food establishment:</p> <p>(3) Is in substantial compliance with these regulations either by:</p> <p>(a) Being constructed, converted, or remodeled in accordance with the approved plans, or</p> <p>(b) Receiving 15 or fewer demerits during a final permitting inspection. Food establishments receiving more than 15 demerits during a final permitting inspection for change of permit holder must be closed, if in operation. A reinspection may be conducted after applicable fees are paid and must result in 15 or fewer demerits, with no repeat priority or priority foundation violations occurring, for permit issuance.</p>
<p>8-303 FOOD ESTABLISHMENT Grades 8-303.11 Grades (E) Notwithstanding the grade criteria of Paragraph 8-303.11 (A) of this Chapter, whenever an identical consecutive CRITICAL or MAJOR VIOLATION is documented, the establishment shall be DOWNGRADED to the next lower grade with a reinspection required and associated fee paid as specified in Paragraph 8-301.11 (B) of this Chapter.</p>	<p>8-403.2 Food Establishment Grades (F) Notwithstanding the grade criteria of ¶ 8-403.2(B), whenever a repeat violation of a priority item is documented in the next routine inspection, the food establishment must be downgraded to the next lower grade.</p> <p>(H) Food establishments such as, annual itinerants, farmers markets, and those undergoing a Change of Permit Holder will be inspected on a pass fail criteria which is determined as follows:</p> <p>(1) Pass; a demerit score of 0 – 15,</p> <p>(2) Fail; a demerit score of 16 or more.</p> <p>(I) Notwithstanding the Pass/Fail criteria of ¶ 8-403.2(H), whenever a repeat violation of a priority item is documented in the next routine inspection, the permit must be immediately suspended. The food establishment must remain closed until the permit holder has corrected the priority and priority foundation items, paid any applicable fees, and an inspection is conducted that results in a score of 15 or fewer demerits with no repeat violation of a priority or priority foundation item.</p>
	<p>8-405 Priority Items and Priority Foundation Items 8-405.1 Timely Correction (A) Except as specified in ¶ (B) of this section, a permit holder must at the time of inspection correct a violation of a priority item or priority foundation item of these regulations and</p>

	<p>implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit. Pf</p> <p>(B) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Health Authority may agree to or specify a longer time frame, not to exceed: Pf</p> <p>(1) For priority items, correction is required within 72 hours after the inspection, or</p> <p>(2) For priority foundation items and HACCP plan deviations, correction is required within 10 calendar days after the inspection.</p>
	<p><u>P and Pf designations for violations were pulled out of the regulation. This will allow us to maintain the same or similar demerit system and form.</u></p>
	<p>8-405.2 Verification and Documentation of Correction The permit holder must notify the Health Authority within the timeframe specified in ¶ 8-405.1(B), unless otherwise specified, after corrections are made to priority or priority foundation items, or a HACCP plan deviation.</p>
	<p>8-406 Time Frame for Correction of Core Items</p> <p>(A) Except as specified in ¶ (B), the permit holder must correct core items by a date and time specified by the Health Authority but no later than 90 calendar days after the inspection.</p>
	<p>8-601 Administrative Process for Non-Compliance</p> <p>Food establishments exhibiting a history of uncontrolled risk factors for foodborne illness and non-compliance with these regulations may enter the administrative process for non-compliance.</p> <p>(A) Additional conditions may be placed upon the permit.</p> <p>(B) Failure to gain control of risk factors for foodborne illness at the facility can lead to further administrative actions up to and including suspension of the permit to operate, pending permit revocation.</p>
	<p>8-602.2 Post Revocation Action</p> <p>(C) Following permit revocation, any persons listed as sole proprietor, officer, or managing member of the business must be prohibited from obtaining a food establishment permit within the jurisdiction of the Southern Nevada Health District.</p>
	<p>8-602 Appeal Process</p> <p>(A) A person aggrieved by findings or corrective action required by the Health Authority following an inspection or investigation may make a written request for a meeting with the inspector responsible for the action and the program supervisor to discuss the inspection or investigation, including, if applicable, the person’s objections to the findings or corrective action required, and any requests to modify the inspection or investigation report. A request for such a meeting must be received by the Health Authority no later than 15 business days after the date of the inspection or investigation.</p> <p>(B) If the meeting held pursuant to ¶ (A) does not resolve the issue, the aggrieved person may submit a written request for a meeting with the section manager or division director to discuss any unresolved issues. A request for such a meeting must be received by the Health Authority no later than 10 business days after the meeting held pursuant to ¶ (A).</p>

**Chapter 9
Commissaries (NEW CHAPTER)**

Chapter 10 Mobile Units	
	<p>10-102 Construction Requirements 10-102.1 Prohibitions (A) Restrooms must not be built as an integral part of a Mobile Unit. (B) Freshwater and wastewater tanks must be built as an integral part of a Mobile Unit and are prohibited from being on the ground. (C) Permanent utility hook up is prohibited. The unit must be easily conveyable from place to place and return to the commissary whenever necessary for dumping wastewater and filling freshwater.</p>
<p>10-304.11 Operational RESTRICTIONS (A) Except when operating at a special event, a MOBILE UNIT shall not operate from any single location for more than half an hour. (B) A MOBILE UNIT may not operate later than 7:00 p.m. or half an hour after sunset, whichever occurs first, unless they are at a special event. (C) A MOBILE UNIT may not sell products on a street where the posted speed limit is above 25 mph. (D) A MOBILE UNIT may not operate within 250 of another vendor. (E) A MOBILE UNIT may not operate within 1,000 of a school less than one hour after the school's dismissal time. (F) A MOBILE UNIT may not play music when parked.</p>	
	<p>10-301 Required Records for Mobile Units The following records must be submitted to the Health Authority upon request or as specified below. Records are to be maintained for no less than 90 calendar days. (B) Temperature logs must be maintained for: (1) The internal temperature of each TCS food immediately prior to loading into the mobile unit's hot or cold holding equipment, and (2) The ambient air temperature of each refrigeration unit prior to loading TCS food, and every four hours that the vehicle is in operation,</p>
Chapter 11 Open-Air Vendors	
<p>11-201.11 RESTRICTIONS (B)(3) A PORTABLE UNIT FOR SERVICE OF FOOD may be operated with the support of up to three APPROVED ACCESSORY UNITS.</p>	<p>11-102.1 Open-Air Vendor Equipment and Design Open-Air Vendors must: (A) Be limited to 100 square feet,</p>
<p>11-301 FOOD Service 11-301.11 Menu RESTRICTIONS by Type of Unit A PORTABLE UNIT FOR SERVICE OF FOOD may be used to serve only FOOD items that have been APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION. Menu items which may be served from a PORTABLE UNIT FOR SERVICE OF FOOD shall be regulated as follows: (A) Any type of PORTABLE UNIT FOR SERVICE OF FOOD may serve PRE-PACKAGED non-PHF (TCS) BEVERAGE, including alcoholic BEVERAGES. (B) PORTABLE BANQUET BARS may only serve BEVERAGES and drink garnishes. (C) Any type of PORTABLE UNIT FOR SERVICE OF FOOD, except PORTABLE BANQUET BARS, may serve PRE-PACKAGED non-PHF (TCS).</p>	<p>11-201 Operational Requirements for Open-Air Vendors Open-Air Vendors must: (B) Operate as a low risk food establishment, unless approved to operate as a barbecue as described in 11-102.2 or a seasonal permit as described in 11-202 (B), (C) Conduct minimal food preparation on site, (D) Not conduct complex food processes such as cooling, <u>(F) Submit menu changes that will result in a change to the equipment or the risk level to the Health Authority for approval prior to implementation</u></p>

<p>(D) GOLF CART-STYLE FOOD UNITS may serve only PRE-PACKAGED non-PHF (TCS) and if designed, constructed, and APPROVED by the HEALTH AUTHORITY to do so, PRE-PACKAGED LOW-RISK FOOD that is either commercially PACKAGED, or prepared and wrapped, in the FOOD unit's APPROVED COMMISSARY.</p> <p>(E) INDOOR and OUTDOOR/INDOOR FOOD SERVICE CARTS may serve any non-PHF (TCS) and, if designed, constructed, and APPROVED by the HEALTH AUTHORITY to do so, serve LOW-RISK FOOD. Those FOODS need not be PRE-PACKAGED but shall require only minimal handling at the cart. Heating procedures not traditionally classified as cooking are allowed, including:</p> <ol style="list-style-type: none"> (1) Heating of hot dogs, to at least 135 °F ±2° and subsequent hot-holding until serving at a temperature of at least 135 °F ±2°. (2) Steaming of PASTEURIZED milk or similar fluid dairy products for immediate use in the preparation of espresso-type BEVERAGES. (3) Warming of non-PHF (TCS) or LOW-RISK FOOD by use of a microwave oven. (4) EQUIPMENT intended or capable of cooking FOOD including but not limited to, burners, griddle tops, grill tops, BARBECUE grills, and deep fat fryers shall not be present on indoor and OUTDOOR/INDOOR, or outdoor FOOD service carts. 	
	<p>11-301 Required Records for Open-Air Vendors Open-Air Vendors must provide the following records to the Health Authority upon request:</p> <p>(A) Temperature logs for:</p> <p>(1) The internal temperature of each TCS food immediately prior to loading into the hot or cold holding equipment, and</p> <p>(2) The ambient air temperature of each refrigeration unit prior to loading TCS food, and every four hours that the vendor is in operation,</p>
<p>Chapter 12 Catering</p>	
<p>12-303.13 FOOD Temperature Requirements During Transportation</p> <p>(A) Immediately prior to transport all PHF (TCS) temperatures shall be taken and recorded on a log to ensure that the FOOD is placed in the VEHICLE at temperatures as specified in Chapter 3-401 through 3-403 of these Regulations. The log shall be made available to the HEALTH AUTHORITY upon request.</p> <p>(B) FOOD provided for transport by a FOOD DELIVERY SERVICE for immediate delivery to the customer, shall be temperature checked by the CATERING FOOD ESTABLISHMENT prior to transport. At no time shall the driver or any other employee of the FOOD delivery VEHICLE have direct contact with the FOOD during transport.</p> <p>(C) Upon arrival at the event or catering location the PERSON IN CHARGE shall take and record on a log the temperatures of all PHF (TCS). This does not apply to FOOD DELIVERY SERVICES.</p> <p>(D) FOOD that is not within the required temperature range at delivery, as required by these Regulations, shall be consumed or discarded within four hours. If rethermalization or cooling EQUIPMENT is available, FOOD shall be reheated or cooled as specified in these Regulations.</p>	<p>12-202 Food Temperature Monitoring Requirements</p> <p>Temperature logs must be maintained for:</p> <p>(A) The internal temperature of each TCS food immediately prior to loading into the hot or cold holding equipment, and</p> <p>(B) The ambient air temperature of each refrigeration unit prior to loading TCS food, and every four hours of the catering event,</p>

Chapter 13 Swap Meet and Farmers Markets	
	<p>13-101.1 Swap Meet and Farmers Market Manager</p> <p><u>(9) There is a resource recovery plan implemented such that cardboard, glass, plastic bottles, and aluminum is collected and recycled if there are greater than 5000 patrons in attendance per day.</u></p>
	<p>13-101.2 Support Services</p> <p>Newly constructed or substantially remodeled swap meets must have an onsite commissary if they contract with or lease space to three or more food vendors that handle TCS foods. The swap meet must provide access to the necessary support services for all contracted food vendors.</p>
	<p>13-201 Required Records</p> <p>The following records must be maintained on site by the swap meet or farmer market manager and be available for review by the Health Authority:</p> <p>(A) Copies of the health permit for each participating food establishment, (B) A list of all participating food vendors, and (C) A copy of the producer certificate which lists the approved food for each participating farmer.</p>
Chapter 14 Special Events and Temporary Food Establishments	
<p>EVENT COORDINATOR PERMIT means a PERMIT as issued by SNHD for a SPECIAL EVENT that will include 2 or more TEMPORARY FOOD ESTABLISHMENTS or FOOD BOOTHS at a given location, other than a single operator with multiple FOOD ESTABLISHMENTS located on their own property.</p>	<p>14-101 Event Coordinator</p> <p>14-101.1 Permit Requirements</p> <p>(A) An event coordinator permit is required for a special event when there are:</p> <p>(1) Five or more permitted food vendors or mobile vendors, or (2) Two or more tasting booths. <u>A solitary tasting booth will be permitted as a temporary food establishment.</u></p> <p><u>(C) An event coordinator hosting an event with greater than 100 food vendor and temporary food establishment permits may submit a proposal for the permitting of alternate booth sizes. Proposals must be submitted to the Health Authority 30 days prior to start date of the event.</u></p>
	<p>14-201 Temporary Permit Requirements</p> <p><u>(C) The temporary food establishment permit may be denied if:</u></p> <p><u>(1) The application is not received at least one business day prior to the start date of the event, (A) — A person desiring to operate a temporary food establishment must apply for a permit at least one business day prior to the start date of the event.</u></p> <p><u>(B) Except as specified in 14-101.1 (C), a single temporary food establishment must not exceed 400 square feet when serving only low-risk food and must not exceed 200 square feet in size when serving higher-risk food.</u></p> <p><u>(D) — A temporary food establishment must not exceed 100 square feet.</u></p>
	<p>14-202 Temporary Food Establishment Permit Exemptions</p> <p>The Health Authority may exempt a temporary food establishment from the provisions of these regulations if the Health Authority determines that the food which is sold, offered or displayed</p>

	<p>for sale, or served at the establishment does not constitute a potential or actual hazard to the public health. Exemptions may include, but are not limited to:</p> <ul style="list-style-type: none"> (A) Bottled water, canned soft drinks, (B) Customer self-service coffee or tea. This exemption does not include TCS or open-food handling except brewing coffee or tea, (C) Commercially prepared acidic beverages (such as orange juice, lemonade, and other similar beverages) that are served from the original properly labeled container without the addition of consumer ice or other regulated food product, (D) Hermetically sealed and unopened containers of non-TCS beverages, which do not require refrigeration, (E) Hot chocolate prepared for immediate service without the use of TCS foods, (F) Non-TCS prepackaged baked goods with proper labeling from an approved source and requiring no on-site preparation, (G) Non-TCS foods and unopened prepackaged food from an approved source with proper labeling, such as honey, jerked meats, potato chips, popcorn, and other similar foods, (H) Farm products sold by a vendor with a producer certificate and no food preparation, breaching of produce, or product sampling is done, (I) Commercially prepared, prepackaged, and unopened ice cream that is appropriately labeled including ingredients and manufacturer information, and (J) Vendors that provide samples of food without compensation, do not sell the food on-site, and are inspected under an Event Coordinator permit.
	<p>14-3 Annual Itinerants 14-302.2 Handwashing Facilities</p> <ul style="list-style-type: none"> (C) An adequate number of handwashing sinks that meet the following criteria must be provided: <ul style="list-style-type: none"> (1) If portable, the handwashing sink must meet the requirements of Subpart 4-205, (2) Provide a continuous flow of hot and cold running water without the use of a manual pump, (3) Be self-contained, and (4) Be equipped with an integral five gallon minimum potable water supply tank and a wastewater storage tank that is at least 15% greater than the potable water supply.
	<p>14-303 Required Records</p> <p>The Annual Itinerant permit holder must provide the following records to the Health Authority upon request:</p> <ul style="list-style-type: none"> (A) Temperature logs for: <ul style="list-style-type: none"> (1) The internal temperature of each TCS food immediately prior to loading into the hot or cold holding equipment, and (2) The ambient air temperature of each refrigeration unit prior to loading TCS food, and every four hours that the vendor is in operation,

ATTACHMENT

C



SOUTHERN NEVADA HEALTH DISTRICT-
2023 FOOD REGULATIONS GOVERNING THE SANITATION OF
FOOD ESTABLISHMENTS

WHEREAS,

Whereas the Southern Nevada Health District (SNHD) ~~has been established by the County of Clark and the cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and Boulder City as the~~ a public Health Authority ~~for those entities, and~~ organized pursuant to Nevada Revised Statutes ~~(NRS) Chapter 439, has~~ with jurisdiction over all public health matters ~~in the Health District within Clark County Nevada;~~ and

Whereas, the Southern Nevada District Board of Health (Board) is the Southern Nevada Health District governing body ~~of the SNHD,~~ and is authorized to adopt regulations to ~~regulate sanitation and sanitary practices in the interest of the public health, and to~~ protect and promote the public health and safety in the geographical area subject to ~~the~~ its jurisdiction ~~of the Health District and is specifically authorized to~~ adopt; and

Whereas, in accordance with the authority granted pursuant to Nevada Revised Statutes Chapter 439 and Chapter 446, the Board hereby adopts regulations regarding to establish uniform, minimum standards for the operation of food establishments as per NRS 446.940(2); and in Clark County, Nevada;

~~WHEREAS, unsanitary conditions of food establishments constitute a hazard to public health and welfare, the Board finds that the sanitation and safety of food establishments does affect the public health, and finds that it is necessary to adopt Southern Nevada Health District Regulations Governing the Sanitation and Safety of Food Establishments to promote and regulate the safe and sanitary handling of food items in a food establishment; and~~

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

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

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Chapter 1 Purpose and Definitions

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~~1-101.11~~ FOOD Regulations

The

~~These~~ provisions ~~of~~ must be known as the Southern Nevada Health District (SNHD) 2023 Food Regulations ~~Governing the Sanitation of Food Establishments~~, hereinafter ~~shall be~~ referred to as "these regulations."

1-102 Intent

~~1-102.11~~ FOOD Safety, Illness Prevention, and Honest Presentation

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

1-103 Scope

~~1-103.11~~ Statement

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

1-2 Definitions

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- 1-201 Applicability and Terms Defined

1-201 Applicability and Listing of Terms Defined

~~1-201.11~~ Interpretation and Application of Terms

The following definitions ~~shall~~ apply in the interpretation and application of these regulations.

~~Terms Defined:~~ As used in these regulations, each of the terms listed ~~in Section 1-202 shall~~ have the meaning stated therein. All defined terms are capitalized in these Regulations below:

(A) ~~Definitions covering construction: Unless otherwise noted, the definitions set forth in NRS 446.017 through NRS 446.069 shall apply in these Regulations.~~

~~1-201~~ Definitions

Accessible

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

~~(B) When applied to plumbing fixtures, plumbing connections, plumbing appliances or plumbing equipment, accessible means:~~

~~(1) Having access to, but may require removal of an access panel, door, or similar obstruction, and~~

~~(2) Not blocked by fixed equipment or other barriers.~~

Accredited Program

~~(A) Accredited Program means a program that certifies an individual to be a food protection manager certification program that and which:~~

~~(1) Has been evaluated and listed, by an accrediting by an American National Standards Institute accredited agency or the local HEALTH AUTHORITY, as conforming to national standards for organizations that certify individuals. ~~ACCREDITED PROGRAM does not refer to training functions or educational programs, as food protection managers, or~~~~

~~**ACTIVE MANAGERIAL CONTROL** means a comprehensive FOOD safety system. It includes operators and FOOD HANDLERS who are knowledgeable about FOOD safety issues and who are responsible for controlling practices and procedures that may contribute~~

~~Provides to FOOD BORNE ILLNESS.~~

~~ADDITIVE~~

~~(1) FOOD ADDITIVE has the meaning stated in the *Federal Food, Drug, and Cosmetic Act, 201(s)*, and *21 CFR 170.3(e) (1)*.~~

~~(B) Color ADDITIVE means any dye, pigment, or substance that can impart color when added or applied to a FOOD.~~

~~ADULTERATED means unfit for human consumption. 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.~~

~~(B) 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.~~
- ~~(D) It is held in a HERMETICALLY SEALED CONTAINER that has:

 - ~~(1) Sustained damage to the seams on the top, bottom, or side of the container.~~
 - ~~(2) Sustained sharp or creasing dents to any areas such individuals other than the seams.~~
 - ~~(3) Shows signs of spoilage, including but not limited to, loss of vacuum or swelling from gas production due to internal growth.~~~~
- ~~(E) It is in whole or in part the product of a diseased animal, or an animal that has died other 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.~~
- ~~(G) It bears or contains any color ADDITIVE which is unsafe within the meaning of the Federal Food, Drug and Cosmetic Act.~~
- ~~(H) Any valuable constituent has been in whole, or in part, omitted or abstracted.~~
- ~~(I) Any substance has been substituted wholly or in part.~~
- ~~(J) Damage or inferior quality has been concealed in any manner.~~
- ~~(K) Any substance has been added, mixed, or packed to increase its bulk or weight, or reduce its quality, strength, or nutritional value, or make it appear better, or of greater value than it is.~~
- ~~(L) It falls below the standard of purity, quality, strength, or nutritional value, which it purports or is represented to possess.~~
- ~~(M) It is still available for sale after a date designated as "sell by", "use by", or "best if used by", or other phrases clearly indicating that FOOD quality may be reduced after that label date.~~
- ~~(N) Milk, or a product made from milk, is still available for retail sale after the printed date required by NAC 584.2631.~~
- ~~(O) Infant formula that does not provide certain required nutrients, meets the quality factor requirements established by the Secretary of Health and Human Services (the Secretary) (and, by delegation, the FDA), and is manufactured in accordance with Current Good Manufacturing Practices (CGMP), and quality control procedures established by the Secretary in 21 CFR Parts 106 and 107.~~
- ~~(P) It is confectionery and it bears or contains any non nutritive article or substance except harmless coloring, harmless flavoring, or non nutritive sweeteners APPROVED by the Food and Drug Administration for use in FOOD, harmless resinous glaze, harmless natural wax, or harmless natural gum and pectin not in excess of 0.4%, except this Section does not apply to:

 - ~~(1) Any confectionery by reason of its containing less than 4% alcohol by weight.~~
 - ~~(2) Any chewing gum by reason of its containing harmless non nutritive chewable substances.~~~~

~~AGENCY OF JURISDICTION means agencies, other than the HEALTH AUTHORITY, having jurisdiction concerning FOOD processing, growing of farm products, and operation of a farmers' market, including but not limited to the local building department, safety authority, fire marshal, business licensing, state and local health departments, federal regulatory agencies, and departments of agriculture.~~

~~ALLERGEN, for the purpose of these Regulations, means:~~

- ~~(A) Milk, EGG, or FISH and including but not limited to bass, flounder, cod, and including crustacean SHELLSTOCK including but not limited to, crab, lobster or shrimp, and tree nuts including but not limited to, almonds, pecans or walnuts, wheat, peanuts, and soybeans.~~
- ~~(B) A FOOD ingredient that contains protein derived from a FOOD as specified above.~~

~~AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) means the private, non-profit organization that administers and coordinates the U.S. voluntary standardization and conformity assessment system.~~

- ~~(2) APPROVED means training acceptable to the health authority based on conformance with appropriate, accepted, or recognized industry standards, and good public health practice.~~

~~APPROVED SOURCE means any FOOD for sale or consumption that is from a~~

- ~~(B) Accredited Program refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; and test development and administration.~~

Adulterated

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

Annual Event Venue

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

Annual itinerant

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

Approved

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

Approved Source

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

ASYMPTOMATIC

~~ASYMPTOMATIC means-~~

Asymptomatic

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

~~A_w means a_w.~~

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

~~BAKING INDUSTRY SANITATION STANDARDS COMMITTEE (BISSC) means the committee that develops voluntary sanitation standards for the design and construction of bakery EQUIPMENT.~~

~~BALUT means-~~

Balut

An embryo inside a fertilized/fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

~~BARBECUE means an area or facility at a FOOD ESTABLISHMENT, or other APPROVED area, other than the main area for preparing FOOD that has EQUIPMENT for cooking FOOD. An outdoor BARBECUE PERMIT is conditionally limited in that it may not be used during a dust storm, flood, an infestation of insects, vermin, or under any other circumstances where the protection of FOOD cannot be ensured.~~

~~BEVERAGE means a liquid for drinking including water.~~

~~BOTTLED DRINKING WATER means water including bottled mineral water~~

Bottled Drinking Water

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

Catering Food Establishment

(A) A food establishment where a pre-arranged number of meals and/or food products are prepared and transported for service and consumption at an off-premises event location.

~~CASING means a tubular container for sausage products made of either natural or artificial (synthetic) material. CEASE~~

~~AND DESIST ORDER means a written order issued by the HEALTH AUTHORITY which directs the responsible PERSON to immediately stop doing or allowing a specific action to occur. A CEASE AND DESIST ORDER may or may not include a direction to completely cease operations at a facility. A CEASE AND DESIST ORDER may include a timeframe to achieve compliance as long as there is not an IMMEDIATE HEALTH HAZARD to public health or safety.~~

~~CERTIFICATION NUMBER means-~~

(B) Catering food establishment does not include food that is prepared and packaged for pickup by the consumer, or delivery to the consumer, unless it is served off-site by the caterer.

Certification Number

A unique combination of letters and numbers ~~located on the SHELLSTOCK Shipper's Tag, which is~~ assigned by a SHELLSTOCK/Shellfish Control Authority to a molluscan SHELLSTOCK/shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

Certified Food Protection Manager

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

Change of Permit Holder (CPH)

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

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

Cleaned in place (CIP)

~~CIP means CLEANED-IN-PLACE by the circulation or flowing by mechanical means through a piping system of~~

(A) Method for cleaning equipment with a detergent solution, water rinse, and sanitizing solution by circulating the detergent solution, water rinse, and sanitizing solution through a piping system onto or over equipment surfaces that require cleaning including but not limited to, the method used to clean and sanitize a frozen-dessert machine.

(B) CIP does not include the cleaning of equipment ~~including but not limited to, such as~~ band saws, slicers, or mixers ~~which that~~ are subject to in-place manual cleaning without the use of a CIP system.

~~CODE OF FEDERAL REGULATIONS (CFR) means Code of Federal Regulations. Citations in these Regulations refer sequentially to Title, Part, and Section numbers, for example, 40 CFR 180.194 refers to Title 40, Part 180, Section 194.~~

COMMINGLE

~~COMMINGLE means-~~
Color Additive

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

Commingle

(A) To combine shellstock harvested on different days, or from different growing areas, as identified on the tag or label, or

(B) ~~COMMINGLE means-~~ To combine shucked SHELLSTOCK shellfish from containers with different container codes or different shucking dates.

COMMINUTED

~~COMMUNUTED means-~~
Comminuted

(A) Reduced in size by methods including chopping, flaking, grinding, or mincing.

~~COMMUNUTED includes FISH~~

(B) Food remains comminuted even when it is restructured or MEAT products which are reduced in size, and re-structured or re-formulated including but not limited to, reformulated, such as gefilte fish, gyros, ground beef, and sausage, and a mixture of 2 or more types of MEAT that have been reduced in size and/or combined including but not limited to, such as sausages made from 2two or more meats.

Commissary

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

COMMISSARY

(A) ~~COMMISSARY means a fixed non mobile FOOD ESTABLISHMENT for the storage and preparation of FOOD to be sold or served at or by a Portable Unit for service of FOOD, Catering Operation, Mobile FOOD Vendors, Farmers' Markets, and Annual Itinerants.~~

Confirmed Disease Outbreak

~~(B) A COMMISSARY may also serve as a SERVICING-DEPOT for the servicing and cleaning of EQUIPMENT.~~

~~(C) A COMMISSARY shall be APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION as part of the PERMIT application and inspection process for a FOOD ESTABLISHMENT.~~

~~**CONDIMENT** means an enhancer, relish, or spice to enhance flavor or enjoyment including but not limited to mustard, ketchup, pickle relish, peppers, sweeteners, and creamers.~~

~~**CONDITIONAL FOOD HANDLER** means a prospective FOOD HANDLER to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential FOOD HANDLERS who may be suffering from a disease that can be transmitted through FOOD, and done in compliance with *Title 1 of the Americans with Disabilities Act of 1990*.~~

~~CONFIRMED DISEASE OUTBREAK~~ means a ~~FOOD BORNE ILLNESS~~ foodborne illness outbreak in which an epidemiological analysis, followed by lab analysis, of appropriate specimens identifies ~~caustic agents which a causative agent and epidemiological analysis~~ implicates ~~at the~~ food as the ~~causesource~~ of ~~an~~ the illness.

~~CONSUMER~~ means a PERSON

Consumer

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

~~CONTAMINATION~~ means the presence of extraneous, especially infectious, material that renders a substance or preparation impure or harmful.

~~CORROSION-RESISTANT MATERIAL~~ means a structural

Core Item

(A) A provision in these regulations that is not designated as a priority item or a priority foundation item.

(B) Core item includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOP), facilities, structures, equipment design, or general maintenance.

Corrosion-Resistant Material

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

~~COUNTER MOUNTED EQUIPMENT~~ means

Counter-Mounted Equipment

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

~~CRITICAL CONTROL POINT~~ means

Critical Control Point

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

~~CRITICAL LIMIT~~ means

Critical Limit

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

~~CRITICAL VIOLATIONS~~ means items directly related to the protection of the public from ~~FOOD BORNE ILLNESS or injury including but not limited to FOOD from unsafe sources, inadequate cooking, improper holding temperatures, contaminated EQUIPMENT, and poor hygienic practices.~~

~~CROSS-CONTAMINATION~~ means the passing of bacteria, microorganisms, or other harmful substances indirectly from one surface to another through improper or unsanitary ~~EQUIPMENT, procedures, or products.~~

~~CUT LEAFY GREENS~~ means

Cut Leafy Greens

Fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term "leafy greens" ~~includes, include~~ iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and ~~chard. The term leafy greens does not include herbs such as cilantro or parsley.~~

~~chard. The term "leafy greens" does not include herbs such as cilantro or parsley.~~

~~DEMERIT~~ means the numerical value assigned to

Downgrade

~~Violations reported on an individual violation of these Regulations.~~

~~DISCLOSURE means a written statement that clearly identifies the animal derived FOOD which is, or can be ordered to be served raw, undercooked, or without otherwise being processed to eliminate pathogens.~~

~~DISTRICT BOARD OF HEALTH~~

~~The DISTRICT BOARD OF HEALTH of Southern Nevada consists of two representatives of the Board of County Commissioners, two representatives of the governing body of the largest incorporated city inspection resulting in the county, one representative of the governing body of each any grade other city in the county, five at large members, including two physicians, one registered nurse, one environmental specialist, and one member of a business/industry regulated by the HEALTH AUTHORITY~~

~~DOWNGRADE means to post a lower than an 'A' letter grade at a permitted food establishment.~~

~~DRINKING WATER~~

~~DRINKING WATER means~~
Drinking Water

~~(A) —Water that meets criteria as specified in 40 CFR 141, National Primary Drinking Water Regulations.~~
~~DRINKING WATER and~~ is traditionally known as potable water.

Drinking water includes the term water except where the term used connotes that the water is not potable, ~~including but not limited to~~ such as boiler water, mop water, ~~rain water, waste water~~ rainwater, wastewater, and ~~non-~~ non- ~~DRINKING~~ nondrinking water.

~~DRY STORAGE AREA means~~
Dry Storage Area

A room or area designated for the storage of packaged or containerized bulk food that is not a ~~POTENTIALLY HAZARD-FOOD (PHF) TIME /TEMPERATURE CONTROL FOR SAFETY (TCS) food~~ and dry goods such as single-service items, ~~including but not limited to SINGLE SERVICE ARTICLES.~~

~~EASILY CLEANABLE~~

~~EASILY CLEANABLE means~~
Easily Cleanable

(A) A characteristic of a surface that:

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

(B) Easily cleanable includes a tiered application of the criteria that qualify the surface as easily cleanable as specified in ~~Paragraph subparagraph~~ Paragraph subparagraph (A) of this definition to different situations in which varying degrees of cleanability are required ~~including but not limited to~~ such as:

- (1) The appropriateness of stainless steel for a food preparation surface, as opposed to the lack of need for stainless steel to be used for floors or tables used for consumer dining, or
- ~~(1)~~ (2) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

~~EASILY MOVEABLE~~

~~EASILY MOVEABLE means portable,~~
Easily Movable

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

~~EGG~~ means

Egg

(A) —The shell egg of avian species including but not limited to such as chicken, duck, goose, guinea fowl, quail, RATITES, ratites or turkey.

Egg does not include:

- (A) A balut;
- (B) The egg of reptile species including but not limited to such as alligator; or

~~(B)~~(C) An egg product.

~~EGG PRODUCT~~

~~EGG PRODUCT~~ means

Egg Product

All, or a portion; of; the contents found inside eggs separated from the shell and pasteurized in a food processing ESTABLISHMENT plant, with or without added ingredients; intended for human consumption including but not limited to, such as dried, frozen; or liquid eggs.

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

~~ENTEROHEMORRHAGIC ESCHERICHIA COLI (EHEC) means E.coli which cause hemorrhagic colitis, meaning bleeding enterically or bleeding from the intestine. The term is typically used in association with E.coli that has the capacity to produce Shiga toxins and to cause attacking and effacing lesions in the intestine. EHEC is a subset of SHIGA TOXIN-PRODUCING ESCHERICHIA COLI (STEC), whose members produce additional virulence factors. Infections with EHEC may be ASYMPTOMATIC but are classically associated with bloody diarrhea (hemorrhagic colitis), and hemolytic uremic syndrome (HUS), or thrombotic thrombocytopenic purpura (TTP). Examples of serotypes of EHEC include: E.coli 0157:H7, E.coli 0157:NM, E.coli 026:H11, E.coli 0145:NM, E.coli 103:H2, or E.coli 011:NM. Also see shiga toxin producing E.coli.~~

~~EQUIPMENT~~

~~EQUIPMENT~~ means

Employee

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

Equipment

An article that is used in the operation of a food establishment including but not limited to such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or WARE WASHING warewashing machine.

Equipment does not include apparatuses used for handling or storing large quantities of packaged ~~FOOD~~foods that ~~is~~are received from a supplier in a ~~case~~cased or ~~over-wrapped~~overwrapped lot, ~~including but not limited to~~such as hand trucks, forklifts, dollies, pallets, racks, and skids.

~~EXCLUDE~~ means-
Event Coordinator

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

Exclude

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

~~FISH~~ means:

~~A-~~
Facilities

The structure and interior surfaces of a food establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

Farmer

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

Farmers' Market

A place of business where a farmer, or a representative designated by the farmer, and possessing the producer certificate of farm products, can bring their products for direct sale to the consumer. A minimum of one farmer, or designated representative, must be present and offering at least one farm product for sale for the venue to be operated as a farmers' market.

Farm Products

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

Fish

Fresh or saltwater finfish, ~~crustacean~~crustaceans and other forms of aquatic life, ~~other than birds or mammals, and~~ (including ~~but not limited to~~ alligator, frog, aquatic turtle, jellyfish, sea cucumber, ~~and~~ sea urchin, and the roe of such animals) ~~other than birds or mammals~~, and all mollusks, if such animal life is intended for human consumption.

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

~~FOOD~~ means-
Food

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

~~FOOD-CONTACT SURFACE~~ means surfaces of ~~EQUIPMENT~~ and ~~UTENSILS~~

Food Additive

Commented [CS1]: Comment:
This should also include plants that are not grown in soil

Commented [CS2R1]: Now includes produce no matter how it is grown

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

Foodborne Disease Outbreak

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

Food-Contact Surface

(A) A surface of equipment or a utensil with which food normally comes in~~into~~ contact, and the surfaces with or

(B) A surface of equipment or a utensil from which food may drain ~~back onto surfaces, drip, or splash:~~

(1) Into a food, or

~~(1)~~**(2)** Onto a surface normally in contact with food.

~~**FOOD BORNE DISEASE OUTBREAK** means the occurrence of two or more cases of the same or a similar illness resulting from the ingestion of a common FOOD or FOOD from a common source.~~

~~**FOOD BORNE ILLNESS** means adverse health effects resulting from the ingestion of contaminated or ADULTERATED FOOD or water.~~

~~**FOOD ESTABLISHMENT**~~

- (A) ~~FOOD ESTABLISHMENT means an operation at a particular location that stores, prepares, packages, serves, vends, or otherwise provides FOOD for human consumption which:~~
 - (1) ~~Includes but is not limited to a restaurant, satellite or catered feeding location, catering operation if the operation provides FOOD directly to a CONSUMER, market, vending location, a conveyance used to transport people, or an institution.~~
 - (2) ~~Includes an operator that relinquishes possession of FOOD to a CONSUMER, directly or indirectly, through a delivery service including but not limited to home delivery of grocery orders, restaurant take-out orders, or service that is provided by common carriers.~~
- (B) ~~FOOD ESTABLISHMENT includes:~~
 - (1) ~~An element of the operation, or a separate preparation facility, that supplies a vending location, or a satellite feeding location, unless the vending or feeding location is PERMITTED by the applicable REGULATORY AUTHORITY.~~

~~An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location where consumption is on or off the PREMISES.~~

Food Establishment

Any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is stored, sold, offered or displayed for sale, or served.

Food Establishment does not include:

- (2) ~~An establishment that offers meets the exemption requirements pursuant to NRS 446.870 and is subject to the requirements of NAC 446.042.~~
- (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~~that have a status as a 501 (c)(7) or (8), and which attendance is limited to members of the club.
- (C) Vehicles operated by common carriers engaged in interstate commerce, or any third-party delivery service that delivers food from a food establishment does not directly handle unpackaged food.
- (D) Any establishment in which religious, charitable, and other ~~non-profit~~501(c)(3) nonprofit organizations sell food occasionally (no more than three occurrences in a 90-day period), on the premises of their organization, to raise money; or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public.
- (E) Any establishment where animals, including, without limitation, mammals, fish and poultry, are slaughtered which is regulated ~~and inspected by the State Department of Agriculture pursuant to NRS 583,~~
- (F) Dairy farms and plants which process milk and products of milk; or frozen desserts; which are regulated ~~in~~under NRS ~~Chapter~~ 584.
- (G) The premises of a wholesale dealer of alcoholic beverages licensed inunder NRS ~~Chapter~~ 369 ~~and~~ who handles only alcoholic beverages which are in sealed containers.

~~FOOD GRADE means products which are considered safe for use with FOOD by the Food and Drug Administration. Federal government regulations regarding FOOD GRADE products can be found in 21 CFR, Parts 170-189 Additives, and Parts 70-82 Color Additives.~~

~~FOOD HANDLER means~~

- (A) ~~Any PERSON employed in or operating a FOOD ESTABLISHMENT, including but not limited to an employer, the PERMIT HOLDER, a PERSON IN CHARGE, a PERSON having supervisory or managerial duties, a PERSON~~

~~on the payroll, a family member, a volunteer, a PERSON performing work under contractual agreement, an 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, or any other PERSON working in a FOOD ESTABLISHMENT.~~

~~(B) The term does not include a PERSON who only handles FOOD that is permanently SEALED or PACKAGED for sale directly to the CONSUMER and who, if the FOOD is POTENTIALLY HAZARDOUS, handles the FOOD only occasionally or incidentally outside the normal and usual course and scope of his responsibilities or employment.~~

~~(C) Temporary trainers, guest chefs and other PERSONnel working at a FOOD ESTABLISHMENT less than 14 days are exempt from obtaining health cards.~~

~~FOOD HANDLER HEALTH CARD means a document issued by the HEALTH AUTHORITY after obtaining a Hepatitis A immunization and attending a required course on FOOD safety.~~

~~FOOD PROCESSING ESTABLISHMENT means-~~

~~(H) A facility that produces eggs which is regulated pursuant to NRS 583,~~

~~(I) A cottage food operation that meets the requirements of NRS 446.866 with respect to food items as defined in that section,~~

~~(J) A craft food operation that meets the requirements of NRS 587.6945 with respect to food items as defined in that section,~~

~~(K) A farm for purposes of holding a farm-to-fork event,~~

~~(L) A kitchen in a private home,~~

~~(M) A bed-and- breakfast operation that is owner occupied, the number of available guest bedrooms does not exceed six, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the Health Authority,~~

~~(N) A permitted family or group care home.~~

~~(O) A permitted childcare center that serves only a limited menu as described in NRS 446.941,~~

~~(P) A demonstration kitchen or cooking class that does not store food or sell food to the public, or~~

~~(Q) An establishment that meets the exemption criteria pursuant to NRS 446.870 and NAC 446.042.~~

Food Handler

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

Food Processing Plant

A commercial operation that manufactures, packages, labels, or stores food for human consumption, but does not provide FOOD directly to a CONSUMER, including any establishment that cans FOOD, or packages FOOD in packaging with a modified atmosphere, or processes vitamins, FOOD supplements, FOOD ADDITIVES, spices, tea, coffee, salsa, jelly or jam, CONDIMENTs, or candy and provides food for sale or distribution to other business entities such as food processing plants or food establishments.

FOOD ZONE means 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.
FROZEN FOOD means a FOOD maintained at a temperature at which all moisture therein is in a solid state.

~~GAME ANIMAL~~ means:

~~Animals that are~~

Food Vendor

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

Game Animal

~~An animal, the products of FOOD which are food, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in as specified in 9 CFR 301.2 Definitions, or as poultry, or fish.~~

(A) Game Animal includes mammals ~~including but not limited to~~ such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and ~~non-aquatic~~ aquatic reptiles ~~including but not limited to~~ such as land snakes.

(B) Game animal does not include ratites.

~~GENERAL USE PESTICIDE~~ means a pesticide that is not classified by EPA for RESTRICTED use as ~~specified in 40 CFR 152.175, Pesticides Classified for Restricted Use.~~

Grade A Standards

~~means~~ The requirements ~~for compliance stated in~~ of the United States Public Health Service/FDA Grade A Pasteurized Milk Ordinance ~~for with which~~ certain fluid and dry milk and milk products comply.

~~HAND WASHING SINK~~ means:

Handwashing Sink

(A) A lavatory, a basin, ~~a or~~ vessel for washing, a wash basin, or a plumbing fixture ~~specifically plumbed and especially~~ placed for ~~hygienic practices use, in personal hygiene~~ and designed for the washing of the hands.

~~HAND WASHING~~

(B) ~~Unless specified otherwise, a handwashing sink is a permanently plumbed fixture.~~

~~(B)(C)~~ Handwashing sink includes an automatic ~~hand washing~~ handwashing facility.

~~HAZARD~~ means a biological, chemical, or physical property that may cause an unacceptable CONSUMER health RISK.

Hazard Analysis and Critical Control Point (HACCP) Plan

~~means~~ A written document that delineates the formal procedures for following the HACCP hazard analysis and critical control point principles developed by The National Advisory Committee on Microbiological Criteria for ~~Food~~ Foods.

~~HEALTH AUTHORITY~~ means the ~~officers and agents of the Health District of Southern Nevada, or~~ Health Authority

The officers and agents of the ~~local Board of Southern Nevada~~ Health District.

~~HEALTH PRACTITIONER~~ means a physician licensed to practice medicine, or if allowed by LAW, a nurse practitioner, physician assistant, or other PERSON certified to act as a medical professional.

~~HEARING OFFICER~~ means an individual selected by the Southern Nevada District Board of Health from qualified applicants to the Health District. Such individual(s) shall not be employees of any entity which is PERMITTED or regulated by the Environmental Health Division. The HEARING OFFICER(s) will be an independent contractor who serves at the pleasure of the Southern Nevada District Board of Health, paid in accordance with a fee schedule APPROVED by the Southern Nevada District Board of Health.

~~HERMETICALLY SEALED CONTAINER~~ means:

Hermetically Sealed Container

Commented [CS3]: Comment: This is not enough space. Are we going to make existing operators shrink in size? What about Seasonals?

Commented [CS4R3]: Compromised to allow up to 200 square feet instead of 100 square feet

A container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned ~~FOOD~~foods, to maintain the commercial sterility of its contents after processing.

~~HIGH RISK FOOD~~— See definition of POTENTIALLY HAZARDOUS FOOD (TCS).

~~HIGHLY SUSCEPTIBLE POPULATION~~ means ~~PERSONS~~Highly Susceptible Population

Individuals who are more likely than other ~~people~~individuals in the general population to experience ~~FOOD-BORNE~~foodborne illness because they are:

- (A) Immunocompromised, ~~pre-school~~preschool age children, or older adults. ~~and~~
- (B) Obtaining food at a facility that provides services ~~including but not limited to~~such as custodial care, health care, or assisted living, ~~including but not limited to~~such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services ~~including but not limited to~~such as a senior center.

~~IMMINENT HEALTH HAZARD~~ means-

Imminent Health Hazard

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

(A) The number of potential injuries, and

~~(A)~~(B) The nature, severity, and duration of the anticipated injury, ~~illness, or disease.~~

~~(A) — The number of potential injuries and illnesses to public's health.~~

~~INJECTED~~ means-

Injected

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

~~JUICE~~ means:

Intact Meat

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

Juice

(A) — The aqueous liquid expressed or extracted from ~~one~~one or more fruits or vegetables, ~~purees~~purées of the edible portions of ~~one~~one or more fruits or vegetables, or any concentrates of such liquid or ~~puree~~purée. Juice does not include, for purposes of HACCP, liquids, ~~purees~~purées, or concentrates ~~which~~that are not used as beverages or ingredients of beverages.

~~KITCHENWARE~~ means-

Kitchenware

Food preparation and storage utensils-

~~LAUNDER~~ means the washing and sanitizing of ~~LINEN~~.

LAW means applicable local, state, and federal statutes, regulations and ordinances.

~~LINEN~~ means-

Like-for-like

Commented [CS5]: Comment:
Not used in regulation so why define

Commented [CS6R5]: Removed

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

Linens

Fabric items ~~including but not limited to such as~~ cloth hampers, cloth napkins, ~~table cloth~~tablecloths, wiping cloths, and work garments including cloth gloves.

LOW-RISK FOOD means **FOOD**
Low-Risk Food Establishment

A permitted food establishment that presents ~~very~~ a low relative risk of causing **FOOD BORNE ILLNESS** when handled in specific ways as APPROVED by the HEALTH AUTHORITY. Examples include, but are not limited to food establishments that:

- (A) ~~Do not limited to: cook, cool, or reheat TCS food.~~
 - (A) ~~Open containers of PASTEURIZED or ULTRA-PASTEURIZED milk or similar liquid dairy products which are maintained at 41°F±2° or lower, to be steamed for immediate use in espresso type BEVERAGES.~~
 - (B) ~~ULTRA-PASTEURIZED half and half, or similar coffee creamers in single serving HERMETICALLY SEALED CONTAINERS.~~
 - (C) ~~PRE PACKAGED ice cream bars, and other frozen dairy products which are served without the need for a dipper well.~~
 - (D) ~~Commercially PACKAGED hot dogs heated for warm holding shall be held at no less than 135°F±2° until served.~~
 - (E) ~~Nuts, high sugar candy, HONEY, cookies, bread, beef jerky, un-sliced melons, and intact raw fruit.~~

MEAT means:

- (B) Rethermalize only food that was manufactured in a food processing plant for hot holding or immediate service, and
- (C) Conduct only minimal food preparation such as scooping, slicing, or adding toppings to ready-to eat food.

Major Food Allergen

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

Major Food Allergen does not include:

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

Meat

The flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats, and other edible animals, ~~except FISH, POULTRY fish, poultry, and wild GAME ANIMALS game animals~~ as specified ~~in Chapter under subparagraphs 3-201.17 of these Regulations.~~ (A)(3) and (4).

MAJOR VIOLATIONS means items that would provide an intervention to possibly eliminate a risk factor or critical violation if left unaddressed may lead to a situation detrimental to public health.

~~MECHANICALLY TENDERIZED~~ means

Mechanically Tenderized

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

- (A) ~~MECHANICALLY TENDERIZED~~ does not include processes by which solutions are INJECTED into MEAT.

Commented [CS7]: Comment:
Clarify what is meant by low-risk

Commented [CS8]: Comment:
Not used in regulation so why define?

Commented [CS9R8]: Removed

mg/L

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

~~MISBRANDED means-~~

Misbranded

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

~~MOLLUSCAN SHELLSTOCK means-~~

Mobile Unit

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

Molluscan Shellfish

Any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

~~NATIONAL AUTOMATIC MERCHANDISING ASSOCIATION (NAMA) means a national trade association of the FOOD and refreshment vending, coffee service, and FOOD service management industries.~~

~~NATIONAL SANITATION FOUNDATION (NSF) means an independent, not-for-profit organization that offers programs and services to augment and support the work of regulatory officials. This includes the development of public health standards, certification of products as conforming to those standards, and education and training in all areas of environmental health, including air, water, and FOOD safety.~~

~~NEVADA ADMINISTRATIVE CODE (NAC) means the codified administrative regulations of the executive branch.~~

~~NEVADA REVISED STATUTES (NRS) means the current codified LAWS of the State of Nevada. NON-~~

~~FOOD CONTACT SURFACE means all exposed surfaces other than FOOD and SPLASH ZONES.~~

~~PACKAGED means:~~

Molluscan Shellfish Dealer

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

Natural and Unprocessed State

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

Non-Continuous Cooking

(A) The cooking of food in a food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service.

(B) Non-continuous cooking does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

Open-Air Vendor

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

Commented [CS10]: Comment:
This is already in the definition of food establishment and the term is not used elsewhere.

Commented [CS11R10]: Removed

Packaged

- (A) Bottled, canned, cartoned, ~~securely bagged, or securely wrapped~~, whether packaged in a ~~PERMITTED~~-food establishment or a ~~PERMITTED FOOD PROCESSING ESTABLISHMENT~~food processing plant.
- (B) Packaged does not include ~~wrapped or placed in a wrapper, carry-out box, or other non-durable~~ container used to containerize FOOD with the purpose of facilitating FOOD protection to protect the food during service or receipt of delivery to the ~~FOOD consumer~~, by the ~~CONSUMER~~a food handler, upon consumer request.
- ~~PASTEURIZED~~ means heat treated to kill vegetative (non-spore) cells of pathogens in FOOD such as JUICE, honey, milk and other dairy products.

~~PERMIT~~ means-
Permit

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

~~PERMIT HOLDER~~ means the entity
Permit Holder

The person that :

- (A) — is legally responsible for ~~the operation of the FOOD ESTABLISHMENT including but not limited to the owner, the owner's agent, or other PERSON.~~
and possesses a valid health permit to operate a FOOD ESTABLISHMENT, the food establishment.

~~PERSON~~ means Person

An association, ~~a corporation, individual, partnership, limited liability company, or other~~ legal entity, government, or governmental subdivision, or agency.

~~PERSON IN CHARGE~~ means-
Person-in-Charge (PIC)

The individual present at a food establishment who is responsible for ~~its~~the operation ~~at the time of inspection.~~

~~PERSONAL CARE ITEMS~~ means:

Personal Care Items

- (A) Items or substances that may be poisonous, toxic, or a source of contamination, and are used to maintain or enhance a PERSON's person's health, hygienic practices hygiene, or appearance.
- (B) Personal Care Items include ~~but are not limited to items such as~~ medicines, first aid supplies, ~~and other items~~ such as cosmetics, and toiletries, such as toothpaste and mouthwash.

~~PH means-~~
pH

The symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a liquid solution. Values between 0 zero and 7 seven indicate acidity and values between 7 seven and 14 indicate alkalinity. The value off or pure distilled water is 7 seven, which is considered neutral.

~~PHYSICAL FACILITIES means the structure and interior surfaces of a FOOD ESTABLISHMENT including but not limited to soap and towel dispensers, and attachments including but not limited to light fixtures, and heating or air conditioning system vents.~~

~~PLUMBING FIXTURE means-~~
Plumbing Fixture

A receptacle or device ~~of a water system that:~~
~~is permanently or temporarily~~

(A) is connected to the water distribution system of the premises and demands a supply of water from the system, or

(B) Discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

~~PREMISES-~~
~~PLUMBING SYSTEM means-~~
Plumbing System

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

~~POISONOUS OR TOXIC MATERIALS means substances which~~
Poisonous or Toxic Materials

Substances that are not intended for ingestion and are included in ~~four~~ 4 categories:

- (A) Cleaners and sanitizers, which include cleaning and sanitizing agents, and agents ~~including but not limited to~~ such as caustics, acids, drying agents, polishes, and other chemicals.
- (B) Pesticides, except sanitizers, ~~including but not limited to~~ which include substances such as insecticides, fungicides, and rodenticides.
- (C) Substances necessary for the operation and maintenance of the establishment ~~including but not limited to~~ non-FOOD such as nonfood grade lubricants and personal care items that may be deleterious to health, and
- (D) Substances which that are not necessary for the operation and maintenance of the FOOD establishment and are on the premises for retail sale, ~~including but not limited to~~ such as petroleum products and paints.

~~POTENTIALLY HAZARDOUS FOOD (PHF) (TCS) means:~~

(A) ~~FOOD that requires (TCS) to limit pathogenic microorganism growth or toxin formation.~~

(B) ~~POTENTIALLY HAZARDOUS FOOD (TCS) includes;~~

(1) ~~An animal FOOD that is raw or heat treated, a plant FOOD that is heat treated or consists of raw~~

~~seed sprouts, cut melons, CUT LEAFY GREENS, cut tomatoes or mixtures of cut tomatoes which are not modified in a way so that they are unable to support pathogenic microbial growth or toxin formation, or garlic in oil mixtures which are not modified in a way that results in mixtures that do not support pathogenic microbial growth or toxin formation and;~~

- ~~(2) Except as specified in Paragraph (C) (4) of this Chapter, a FOOD that because of the interaction of its AW and pH values is designated as Product Assessment Required (PA) in Table A or B of this definition.~~

- ~~(C) POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR FOOD SAFETY (TCS)) does not include:~~
- ~~(1) An air cooled hard-boiled EGG with shell intact or an EGG with shell intact that is not hard-boiled, but has been PASTEURIZED to destroy all viable salmonellae.~~
 - ~~(2) A FOOD in an unopened HERMETICALLY SEALED CONTAINER that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution.~~
 - ~~(3) A FOOD that because of its pH or A_w value, or interaction of A_w and pH values, is designated as a non-PHF/non-TCS FOOD in Table A or B of this definition.~~
 - ~~(4) A FOOD that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms which are reasonably likely to occur in that FOOD is precluded due to:
 - ~~(a) Intrinsic factors including added substances or natural constituents of the FOOD including but not limited to preservatives, antimicrobials, humectants, acidulants, or nutrients.~~
 - ~~(b) Extrinsic factors including environmental or operational factors that affect the FOOD including but not limited to packaging, modified atmosphere REDUCED-OXYGEN PACKAGING, shelf life and use, or temperature range of storage and use.~~~~
 - ~~(5) A FOOD that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the Paragraphs (C) (1-4) of this definition even though the FOOD may contain a pathogenic microorganism or a chemical or physical contaminant at a level sufficient to cause illness or injury.~~

~~POULTRY means:~~

Poultry

- ~~(A) Any domesticated bird, chicken, turkey, duck, goose, guinea fowl, RATITE, or squab, whether live or dead, as defined in 9 CFR 381.1 Poultry Inspection Regulations, Definitions.~~

~~Any (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), migratory waterfowl, or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 CFR 362.1 Voluntary Poultry Inspection Regulations, Definitions.~~

~~PREMISES means:~~

Premises

- ~~(A) The physical facility, its facilities, contents, and the contiguous land or property under the control of the permit holder; or,~~
- ~~(B) The physical facility, its facilities, contents, and the land or property not described in Paragraph subparagraph (A) of this definition if the facilities and contents are under the control of the permit holder and may impact food establishment personnel, facilities, or operation operations, and the PERMITTED food establishment is only one component of a larger operation including but not limited to a health care facility, hotel, motel such as a resort, public accommodation, arena, school, institution, or recreational camp, or prison.~~

~~PRE-PACKAGED means PACKAGED by one PERMITTED FOOD ESTABLISHMENT, for delivery and sale by another PERMITTED FOOD ESTABLISHMENT.~~

~~PRIMAL CUT means one of the basic major cuts into which carcasses and sides of MEAT are separated, including but not limited to beef round, pork loin, lamb flank, or veal breast.~~

PUBLIC WATER SYSTEM-

Priority item

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

~~(B) Priority item includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing; and~~

~~(C) Priority item is an item that is denoted in these regulations with a superscript P-~~

Priority Foundation Item

~~(A) A provision in these regulations that, when applied, facilitates or enables one or more priority items,~~

~~(B) Priority foundation item includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling, and~~

~~(C) Priority foundation item is an item that is denoted in these regulations with a superscript Pf -Pf.~~

Public Water System

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

~~RATITE means-~~

~~Ratite~~

A flightless bird ~~including but not limited to~~ such as an emu, ostrich, or rhea.

~~READY-TO-EAT FOOD~~

~~READY-TO-EAT FOOD means Ready-to-Eat Food~~

Food that:

~~(A) Is in a form that is edible without additional preparation to achieve food safety, as specified in Chapter under one of the following: ¶ 3-401.11, Chapter 1(A) or (B), § 3-401.12 2, or Chapter § 3-402.11 of these Regulations; 1, or as specified in ¶ 3-401.1(C), or~~

~~(B) Is a raw or partially cooked animal food and the consumer is advised as specified in Chapter 3-Subparagraphs 3-401.1(D)(1) and (3), and 401.11 (C) of these Regulations.~~

~~is prepared in accordance with a WAIVER that is granted as specified in Chapter 4 101.13 of these Regulations.~~

(C) May receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

Ready-to-Eat Food includes:

(A) Raw animal ~~FOOD~~ food that is cooked as specified in ~~Chapter under § 3-401.11~~ 1 or Chapter 3-401.12 2, or frozen as specified in ~~Chapter under § 3-402.11 of these Regulations.~~ 1,

(B) Raw fruits and vegetables ~~which that~~ are ~~thoroughly washed to remove soil and other contaminants, as specified under § 3-302.5,~~

(C) Fruits and vegetables ~~which that~~ are cooked ~~and held~~ for hot holding, as specified in ~~Chapter under § 3-401.13 of these Regulations.~~ 3,

(D) All ~~POTENTIALLY HAZARDOUS FOOD (TCS) food~~ food that is cooked to the temperature ~~in the and~~ time required for the specific food ~~as specified in Chapter under subpart 3-401 of these Regulations,~~ and cooled as specified in ~~Chapter under § 3- 501.14 of these Regulations.~~ 4,

(E) Plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present are removed. 2,

(F) Substances derived from plants ~~including but not limited to such as~~ spices, seasonings, and sugar. 2,

(G) A bakery item ~~including but not limited to such as~~ bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety. 2,

(H) The following products ~~which that~~ are produced in accordance with USDA guidelines and ~~that~~ have received a ~~lethal lethality~~ treatment for pathogens. 2; dry, fermented sausages, ~~including but not limited to such as~~ dry salami or pepperoni. 2; salt-cured meat and poultry products, ~~including but not limited to such as~~ prosciutto ham, ~~country cured ham, and Parma ham;~~ and dried meat and poultry products, ~~including but not limited to such as~~ jerky or beef sticks. 2, and

(I) ~~Foods~~ Foods manufactured as specified in 21 CFR part 113, *Thermally processed low-acid foods packaged in hermetically sealed containers.*

~~REDUCED OXYGEN PACKAGING~~

~~(A) REDUCED OXYGEN PACKAGING means:~~

~~Reduced Oxygen Packaging in which~~

(A) ~~The reduction of the amount of oxygen is removed or displaced in a package by removing oxygen; displacing oxygen and replaced by replacing it with another gas or combination of gases; or in which otherwise controlling the oxygen content is controlled to a level below that is normally found in the atmosphere (approximately 21% at sea level).~~

(B) A process as specified in paragraph (A) ~~(1)~~ of this definition that involves a food for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form.

Reduced Oxygen Packaging includes:

(A) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package. 2,

- (B) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or ~~to~~ the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases ~~including but not limited to such as~~ carbon dioxide or nitrogen.
- (C) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained ~~including but not limited to, such as by~~ using oxygen scavengers or a combination of total replacement of oxygen, ~~non-respiring FOOD~~ nonrespiring food, and impermeable packaging material,
- (D) Cook -chill packaging, in which cooked food is hot filled into impermeable ~~plastic bags from which~~ have the air ~~has been expelled,~~ and are then heat sealed or ~~crimp~~ crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens, ~~or~~
- (E) Sous vide packaging, in which raw or partially cooked food is ~~placed~~ vacuum packaged in ~~a hermetically SEALED,~~ an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

~~REFUSE means-~~

Refuse

Solid waste not carried by water through the sewage system.

~~REGULATORY AUTHORITY means-~~

Regulatory Authority

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

~~REMINDER means-~~
Reminder

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

~~RE-SERVICE means~~
Remodel

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

Commented [CS12]: Comment:
Request wording that does not result in one piece of equipment moving and resulting in the need for a remodel

Commented [CS13R12]: Sometimes moving one piece of equipment does require a remodel, depends on the situation.

Re-Service

The transfer ~~to another PERSON~~ of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

~~RESTRICT means-~~
Restrict

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

~~RESTRICTED EGG means any check, dirty EGG, incubator reject, inedible, leaker or loss as specified in 4 CFR 590.~~

~~RESTRICTED USE PESTICIDE means-~~
Restricted-Use Pesticide

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

~~RISK means-~~
Risk

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

~~FOOD-~~
~~SAFE MATERIAL means:~~

- (A) ~~An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any FOOD.~~
- (B) ~~An ADDITIVE that is used as specified in Section 409 or 706 of the Federal Food, Drug and Cosmetic Act.~~
- (C) ~~Other materials which are not ADDITIVES and are used in conformity with applicable regulations of the Food and Drug Administration.~~

~~SANITIZATION means-~~
Sanitization

The application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 log reduction logs, which is equal to a 99.999% reduction of representative test pathogens/disease microorganisms of public health importance.

~~SEALED means-~~
Sealed

Free of cracks or other openings that allow the entry or passage of moisture-
~~SERVICE ANIMAL means an animal including but not limited to a guide dog, signal dog, debris, or other animal specifically pests.~~

Service Animal

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

~~SERVICING DEPOT means~~
Servicing Area

~~An operating base location to which a facility APPROVED by the HEALTH AUTHORITY/mobile food establishment or AGENCY OF JURISDICTION/transportation vehicle returns regularly for such things as vehicle and equipment cleaning, disposing of/discharging liquid and/or solid wastes, and refilling of water tanks of a PERMITTED PORTABLE UNIT for service of FOOD, catering operation, mobile FOOD vendors AND FARMERS' MARKETS. A SERVICING DEPOT may be a large mobile unit if it has been APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION and ice bins, and meets the requirements of these Regulations. If FOOD is to be stored, the facility shall be designated as a COMMISSARY, not a SERVICING DEPOT/boarding food.~~

~~SEWAGE means-~~
Sewage

Wastewater consisting of liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution-

(A) — BLACK WATER means liquid and solid human body waste and the carriage water generated through toilet use-

GREY WATER means the waste water, not carried solids, including BLACK WATER, effluent from residential, commercial and industrial use including but not limited to sink drainage or washing machine discharges, and domestic sources and toilets.

~~SHELLFISH CONTROL AUTHORITY means-~~
Shellfish Control Authority

A state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan SHELLSTOCK/shellfish harvesters and ~~all~~ dealers engaged in/for interstate commerce.

~~SHELLSTOCK means-~~
Shellstock

Raw, in-shell molluscan SHELLSTOCK/shellfish

Shiga toxin-producing Escherichia coli (STEC)

~~means~~ Any *E. Coli* capable of producing Shiga toxins (also called verocytotoxins). STEC infections can be asymptomatic or Shiga-like toxins may result in a spectrum of illness ranging from mild non-bloody diarrhea to hemorrhagic colitis (i.e., bloody diarrhea), to hemolytic uremic syndrome (HUS—a type of kidney failure). Examples of serotypes of STEC include ~~both~~: *E. Coli* O157:H7; *E. Coli* O157:NM; *E. Coli* O26:H11; *E. Coli* O145:NM; *E. Coli* O103:H2; and *E. Coli*

Commented [CS14]: Comment:
Add definition for servicing area (see Food Code)

Commented [CS15R14]: Added

O111:NM. STEC are sometimes referred to as VTEC (verocytotoxigenic E. Coli) or as EHEC (Enterohemorrhagic E. Coli). EHEC are a subset of STEC which can cause hemorrhagic colitis or HUS.

~~E. coli, 0157 and non-E.coli 0157. See ENTEROHEMORRHAGIC ESCHERICHIA COLI.~~

~~SHUCKED SHELLSTOCK means MOLLUSCAN SHELLSTOCK with~~
Shucked Shellfish

Molluscan shellfish that have one or both shells removed.

~~SINGLE-SERVICE AND SINGLE-USE ARTICLES means~~ Single-Service Articles

Tableware, carry-out utensils, and other items including but not limited to such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers which that are designed and constructed for one time, one person use after which they are intended for discard.

Single-Use Articles

~~(A)~~ Utensils and bulk food containers designed and constructed to be used once and discarded. ~~SINGLE-USE ARTICLES including but not limited to~~

~~(A)~~ (B) Single-use articles include items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and #number 10 or other cans which do not meet the materials, durability, strength, and cleanability as specified in ~~Chapter specifications under §§ 4-101.11, 4-201.11, Chapter 4-401.11, and Chapter 4-402202.11 of these Regulations for multi-use/multiuse~~ utensils.

~~SLACKING~~ means
Site-Specific

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

Slacking

~~The~~ process of moderating the temperature of a ~~FROZEN FOOD including but not limited to food such as~~ allowing ~~the~~ food to gradually increase from a temperature of ~~-23 °C (-10 °F±2°)~~ to ~~-4 °C (25 °F±2°)~~ in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-~~FOOD processing of these items including but not limited to frozen food such as~~ shrimp.

~~SMOOTH~~ means:

Smooth

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

~~SPLASH ZONE~~ means any surface, other than a FOOD ZONE, subject to routine splash, spillage, or other FOOD soiling during normal use.

~~TABLEWARE~~ means:

Special Event

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

Support Kitchen

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

Tableware

Eating, drinking, and serving utensils for table use such as flatware including ~~but not limited to flatware~~, forks, knives, and spoons; hollowware including ~~but not limited to~~ bowls, cups, serving dishes, and tumblers~~z~~, and plates.

~~TEMPERATURE MEASURING DEVICE~~ means:

Tasting Event

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

Temperature Measuring Device

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

~~TEMPORARY FOOD ESTABLISHMENT~~ means:

Temporary Food Establishment

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

~~TEMPORARY HEALTH CARD means cards issued to FOOD HANDLERS who have received their Hepatitis "A" vaccination but have not completed the FOOD HANDLERS training course. TEMPORARY HEALTH CARDS are valid for 30 days from the date of application.~~

TIME /TEMPERATURE CONTROL FOR SAFETY (TCS) means Time/Temperature Control for Safety Food (TCS)

(A) A food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.

(B) TCS food includes:

- (1) An animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, and
- (2) Except as specified in subparagraph (C)(4) of this definition, a food that because of the interaction of its a_w and pH values is designated as product assessment required (PA) in Table A or B of this definition:

Table A
Interaction of pH and a_w for control of spores in food
Heat-treated to destroy vegetative cells and subsequently packaged

a_w values	pH: 4.6 or less	pH: > 4.6 - 5.6	pH: > 5.6
≤ 0.92	Non-TCS food	Non-TCS food	Non-TCS food
> 0.92 - 0.95	Non-TCS food	Non-TCS food	PA*
> 0.95	Non-TCS food	PA	PA

*PA means Product Assessment required

Table B
Interaction of pH and a_w for control of vegetative cells and spores in food
Not heat-treated or heat-treated but not packaged

a_w values	pH: < 4.2	pH: 4.2 - 4.6	pH: > 4.6 - 5.0	pH: > 5.0
< 0.88	Non-TCS food	Non-TCS food	Non-TCS food	Non-TCS food
0.88 – 0.90	Non-TCS food	Non-TCS food	Non-TCS food	PA
> 0.90 – 0.92	Non-TCS food	Non-TCS food	PA	PA
> 0.92	Non-TCS food	PA	PA	PA

~~UHT means a heat treatment for FOOD products such as but not limited to; JUICE, milk and other dairy products, referring to Ultra High Temperature or Ultra Pasteurization that renders the treated products essentially sterile.~~

~~UL means Underwriters Laboratory which is an independent, not-for-profit product safety testing and certification organization.~~

~~UL/EPH means Underwriters Laboratory's environmental and public health certification classification for FOOD service EQUIPMENT.~~

~~ULTRA PASTEURIZED means a heat treatment for milk and other dairy products using a process called Ultra-High Temperature processing or Ultra Pasteurization that renders the treated products essentially sterile.~~

~~UNCATEGORIZED FOOD ESTABLISHMENT means a FOOD ESTABLISHMENT that, by virtue of the unusual or special nature of design or operation, cannot comply with certain structural and/or operational requirements of these Regulations.~~

~~U.S. FOOD AND DRUG ADMINISTRATION (FDA)~~

~~U.S. DEPARTMENT OF AGRICULTURE (USDA)~~

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

UTENSIL means-

(C) TCS food does not include:

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

Utensil

A food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food ~~including but not limited to, such as~~ kitchenware or tableware that is ~~multi-use, SINGLE SERVICE-ARTICLES~~ multiuse, single-service, or single-use ~~ARTICLES including but not limited to;~~ gloves used in contact with food; ~~temperature sensing probes of food temperature measuring devices;~~ and probe-type price or identification tags used in contact with food.

~~VARIANCE means a written document mean a written document APPROVED~~

Variance

~~An approval~~ by the Southern Nevada Health District's Board of Health ~~in compliance with the requirements of NAC pursuant to NRS 439-200 through NAC 439.280, upon demonstration of, demonstrating an~~ exceptional and undue hardship to the person requesting the variance, which authorizes a modification or deviation from the requirement of a regulation and would not cause substantial detriment to the public welfare or impair substantially the purpose of the regulation.

~~VEHICLE means any device that transports any PERSON and goods upon a highway, except devices moved by human power.~~

VENDING MACHINE:

Vending Machine

Commented [CS16]: Comment:
Requested definition

A self-service device that ~~upon insertion of a coin, paper currency, token, card, key, or optional manual operation~~ dispenses unit servings of food, ~~in bulk or in packages~~, without the necessity of replenishing the device between each vending operation.

~~(A) The term VENDING MACHINE does not include any device which dispenses only nuts, popcorn, ball gum, hard candy, PRE PACKAGED candy, cookies, crackers, or similar snacks, PRE PACKAGED BEVERAGES which are not POTENTIALLY HAZARDOUS FOOD (TCS), or PRE PACKAGED ice.~~

~~VENDING MACHINE LOCATION means the room, enclosure, space, or area where one or more VENDING MACHINES are installed and operated and includes the storage areas and areas on the PREMISES which are used to service and maintain the VENDING MACHINES.~~

~~WAIVER means a written~~

Waiver

An agreement between the Health Authority and a permit holder that authorizes a modification of one or more requirements of these regulations, if in the opinion of the health authority, a health hazard or nuisance will not result from the modification. ~~Supporting documents of a WAIVER may include but is not limited to, operational plans, HACCP PLANS, scientific challenge studies, monitoring logs, validation studies from certified processing authorities, and labeling.~~

~~WARE WASHING means~~

Warewashing

The cleaning and sanitizing of utensils and food-contact surfaces of equipment. ~~WHOLE MUSCLE INTACT BEEF means~~

Whole-Muscle, Intact Beef

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

Chapter 2

Chapter 2 Management and Personnel

Parts

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

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

~~2-101~~ ~~Assignment~~

~~2-101.11~~ ~~Responsibility~~

~~The PERMIT HOLDER shall be the PERSON IN CHARGE, or shall~~

2-101 Assignment of Responsibility

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

2-102 Knowledge

2-102.1 Demonstration

~~2-102.11~~ ~~Knowledge~~

~~The PERSON IN CHARGE shall demonstrate to the HEALTH AUTHORITY Based on the risks inherent to the food operation, during inspections, and upon request, the PIC must demonstrate knowledge of FOOD BORNE ILLNESS and disease foodborne illness prevention, application of the HACCP principles, and the requirements of these regulations. Except as specified in Section 8-205.11 of these Regulations, the PERSON IN CHARGE shall to the Health Authority. The PIC must demonstrate this knowledge in relation to the RISKS inherent in a specific FOOD operation by one of the following criteria by:~~

- (A) Complying with these regulations by having no CRITICAL or MAJOR VIOLATIONS violations of priority items during the current inspection, or by;
- (B) Being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program as required by Section 2-103 of this Chapter, or by; or
- (C) Responding correctly to the inspector's questions as they relate to the specific FOOD operations.

food operation. The areas of knowledge include ~~but are not limited to:~~

- (1) Describing the relationship between the prevention of ~~FOOD-BORNE ILLNESS-DISEASE~~foodborne illness and the ~~hygienic practices~~personal hygiene of a food handler-;
- (2) Explaining the responsibility of the ~~PERSON-IN-CHARGE~~PIC for preventing the transmission of ~~FOOD-BORNE ILLNESS-DISEASE~~foodborne illness by a food handler who has a disease or medical condition that may cause ~~a FOOD-BORNE ILLNESS-DISEASE~~foodborne illness;
- (3) Describing the symptoms associated with the diseases that are transmissible through food-;
- (4) Explaining the significance of the relationship between maintaining the time and temperature of ~~PHF~~ (TCS) food and the prevention of ~~FOOD-BORNE ILLNESS~~foodborne illness;
- (5) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, ~~FISH~~, and ~~seafood~~fish;
- (1) ~~—~~ Stating the required food temperatures and times for the safe cooking of PHF (TCS) food including
- (6) ~~MEAT, POTENTIALLY HAZARDOUS FOOD (TCS), EGGS, FISH~~ meat, poultry, eggs, and seafoodfish;
- (7) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of ~~PHF (TCS)~~ food;
- (8) Describing the relationship between the prevention of ~~FOOD-BORNE~~foodborne illness and the management and control of the following:;
~~(a) —~~ ~~CROSS-CONTAMINATION~~.
(a) Cross-contamination,
~~(a)(b)~~ Hand contact with ready-to-eat FOODfoods,
~~(b) —~~ ~~Hand-washing~~.
(c) Handwashing, and
~~(b)(d)~~ Maintaining the food establishment in a clean condition and in good repair;
- (9) Describing ~~FOOD~~foods identified as major food allergens and the symptoms that ~~an~~ major food allergen could cause in a sensitive individual who has an allergic reaction.
- (10) Explaining the relationship between food safety and providing equipment that is:
(a) Sufficient in number and capacity ~~,~~ and
(b) Properly designed, constructed, located, installed, operated, maintained, and cleaned;
- (11) Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment-;
- (12) Identifying the source of water used in the food establishment and measures taken to ensure that it remains protected from contamination ~~, including but not limited to such as~~ providing protection from backflow and precluding the creation of cross connections-;
- (13) Identifying poisonous or toxic materials in the food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law-;
- (14) Identifying critical control points in the ~~operation~~food establishment, from purchasing through sale or service, that when not controlled ~~may~~could contribute to the transmission of ~~FOOD-BORNE~~

~~ILLNESS, foodborne illness~~ and explaining steps taken to ensure that ~~thesethe~~ points are controlled in accordance with the requirements of these regulations:;

- (15) Explaining the details of how the ~~PERSON IN CHARGE~~PIC and food handlers comply with the HACCP plan if a plan is required by ~~LAW, by the law,~~ these regulations, or ~~by~~ an agreement between the ~~REGULATORY~~Health Authority and the food establishment:;
- (16) Explaining the responsibilities, rights, and ~~authority~~authorities assigned by these regulations to the:
 - ~~(e) FOOD HANDLER.~~
 - ~~(d) CONDITIONAL FOOD HANDLER.~~
 - ~~(e) PERSON IN CHARGE.~~
 - ~~(f) REGULATORY AUTHORITY.~~
 - ~~(a) Food handler,~~
 - ~~(b) Employee.~~
 - ~~(c) PIC,~~
 - ~~(d) Health Authority; and~~
- (17) Explaining how the ~~PERSON IN CHARGE, FOOD HANDLERS, and CONDITIONAL PIC~~ and food handlers comply with reporting responsibilities and ~~exclusionsexclusion~~ or ~~RESTRICTIONS, restriction~~ of food handlers.

2-102.2 Certified Food Protection Manager

~~2-103.11~~

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

2-102.3 Food Protection Manager Certification:

- (A) A ~~PERSON IN CHARGE~~PIC who demonstrates knowledge by being a food protection manager, ~~and that~~ is certified by a food protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs, is deemed to comply with ~~Paragraph 2-102.11(B) of this Chapter, or has submitted a manager's certification program and paid applicable fees for review and approval by the local HEALTH AUTHORITY.~~

~~2-102 PERSON IN CHARGE~~
~~2-104.11 Duties~~

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

2-103 Duties of the PIC

~~A PIC must be present during all hours of operation.~~ The ~~PERSON IN CHARGE shall~~PIC must ensure that:

- (A) Food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified in ~~Chapter under 6-202.19 of these Regulations, 11,~~
~~PERSONs~~

Commented [CS17]: Comment:
More clarification on who is required to be a CFPM

- (B) Individuals unnecessary to the food establishment operation are not allowed in the food preparation, food storage, or ~~WARE WASHING areas~~warewashing area, except that brief visits and tours may be authorized by the PERSON IN CHARGEPIC if steps are taken to ensure that exposed food, clean equipment, utensils ~~and~~, linens, and unwrapped single-service ~~ARTICLES~~ and single-use articles are protected from contamination.
FOOD HANDLERs
- (C) Employees and other persons ~~including but not limited to such as~~ delivery and maintenance persons, and pesticide applicators entering the food preparation, food storage, and ~~WARE WASHING~~warewashing areas comply with these regulations.
FOOD HANDLERs
- (D) Employees are effectively cleaning their hands, by routinely monitoring ~~hand washing the employees'~~handwashing,
FOOD HANDLERs
- (E) Employees are visibly observing ~~FOOD, foods as it is~~they are received, to determine that ~~it is~~they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the food handlers' observations and periodically evaluating ~~FOOD foods~~ upon receipt,delivery,
FOOD HANDLERs
- (F) Employees are verifying that foods delivered to the food establishment during non-operating hours are from approved sources and are placed into appropriate storage locations such that they are maintained at the required temperatures, protected from contamination, unadulterated, and accurately presented.
- ~~(F)~~(G) Employees are properly cooking ~~PHF (TCS), food,~~ being particularly careful in cooking ~~FOOD those foods~~ known to cause severe ~~FOOD BORNE~~foodborne illness and death, ~~including but not limited to such as~~ eggs and comminuted meats, through daily ~~overseeing~~oversight of the food ~~HANDLERs'~~handlers' routine monitoring of the cooking temperatures, ~~use of using~~ appropriate temperature ~~MEASURING DEVICES, which are measuring devices~~ properly scaled and calibrated, as specified ~~in Chapter under § 4-302.13 of these Regulations.203.1 and ¶ 4- 502.1(B).~~

FOOD HANDLERS

~~(G)~~**(H)** Employees are using proper methods to rapidly cool PHF (TCS), ~~which foods that~~ are not held hot or are not for consumption within four hours, through ~~overseeing~~ daily oversight of the food ~~HANDLER's/handlers'~~ routine monitoring of food temperatures during cooling.

~~(I)~~ Employees are properly maintaining the temperatures of TCS foods during hot and cold holding through daily oversight of the food handlers' routine monitoring of food temperatures.

~~(H)~~**(J)** Consumers who order raw or partially cooked ready-to-eat ~~FOOD~~foods of animal origin are informed, as specified ~~in Chapter under § 3-603.11 of these Regulations,~~ that the food is not cooked sufficiently to ensure its safety.

FOOD HANDLERS

~~(H)~~**(K)** Employees are properly cleaning and sanitizing ~~cleaned multi-use/multiuse~~ equipment and utensils, before they are ~~re-used/reused~~, through routine monitoring of solution temperature, and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing.

~~(H)~~**(L)** Consumers are notified ~~as specified in Chapter 3-306.13 (D) of these Regulations, which that~~ clean tableware is to be used when they return to self-service areas ~~including but not limited to such as~~ salad bars and buffets, ~~as specified under § 3-304.6.~~

~~(K)~~**(M)** Except when approval is obtained from the ~~HEALTH AUTHORITY, Health Authority~~ as specified in ~~Chapter 1 3-301.11 (A) of these Regulations,~~ ~~FOOD HANDLERS~~**(E)**, employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils ~~including but not limited to such as~~ deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.

FOOD HANDLERS

~~(L)~~**(N)** Employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties.

~~(M)~~**(O)** ~~FOOD HANDLERS and CONDITIONAL~~ Food handlers are informed, in a verifiable manner, of their responsibility, to report in accordance with law, ~~to report to the PERSON IN CHARGE~~ information about their health and activities as they relate to diseases ~~which that~~ are transmissible through food, as specified ~~in Section under ¶ 2-201.11 (A) of this Chapter, 1(A), to the PIC, and,~~

2-201

~~(P)~~ Written procedures and plans, where specified by these regulations and as developed by the food establishment, are maintained and implemented as required.

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

2-201 Responsibilities of ~~PERMIT HOLDER, PERSON IN CHARGE, FOOD HANDLERS, and CONDITIONAL~~the Permit Holder, PIC, and Food Handlers

FOOD HANDLERS

2-201.1 ~~2-201.11~~ **Responsibilities and Reporting Symptoms and Diagnosis**

~~(A)~~ **(A)** The permit holder ~~shall~~must require food handlers to report to the ~~PERSON IN CHARGE~~**PIC** information about their health and activities as they relate to ~~symptoms of illness which diseases that~~ are transmissible through food. ~~A guidance document is provided in Appendix A.~~

~~(B)~~ **(B)** ~~A FOOD HANDLER shall:~~

(A) A food handler must report the information in a manner that allows the ~~PERSON IN CHARGE~~**PIC** to reduce the risk of ~~FOOD BORNE disease~~foodborne illness transmission. ~~The, including providing necessary additional~~

information ~~should include~~, such ~~pertinent information as suspected exposure,~~ the date of onset and of symptoms and an illness, or any observations of illness, with or of a diagnosis without symptoms, or reportable symptoms including but not limited to if the food handler:

(1) Has any of the following symptoms:

- (a) Vomiting~~;~~
- (b) Diarrhea~~;~~
- (c) Jaundice~~;~~
- (d) Sore throat with fever~~;~~ or
- (e) A lesion~~,~~ containing pus~~,~~ or such as a boil or infected wound, that is open or draining and is:

- (i) ~~Located~~ On the hands or wrists. ~~Such a lesion shall require, unless~~ an impermeable cover ~~including but not limited to a bandage or such as a~~ finger cot~~;~~ or shall protect the lesion and a single-use glove is worn over the impermeable cover, ~~both of which shall be changed whenever hand washing is required.~~
- (ii) On exposed portions of the arms. ~~Such a, unless the~~ lesion ~~shall be~~ protected by an impermeable cover~~;~~ or
- (iii) On other parts of the body. ~~Such a, unless the~~ lesion ~~shall be~~ covered by a dry, durable, tight-fitting bandage~~;~~

~~(1) Comply with directives from the HEALTH AUTHORITY regarding exclusion and/or RESTRICTION for Illness and Return to Work Criteria as specified in Chapter 8 of these Regulations.~~

~~(C) The PERSON IN CHARGE shall take such measures to reduce the RISK of transmission of FOOD BORNE disease to include:~~

~~(1) Exclusion or RESTRICTION of a FOOD HANDLER with active symptoms as noted in Section 2-201.11 (B) (1) of this Chapter. In such case of exclusion, the FOOD HANDLER shall not return to work until free of symptoms.~~

- ~~(2) Notifying the HEALTH AUTHORITY of a diagnosed FOOD BORNE ILLNESS that has the potential to be transmitted through FOOD, or of active symptoms in a FOOD HANDLER that has had occurrence for spread of potential pathogens to FOOD.~~
- ~~(3) Following the direction of the HEALTH AUTHORITY on Exclusion or RESTRICTION of an employee diagnosed with a pathogen that has potential to be transmitted to others or through FOOD, including as required in applicable sections of MAC 441A, Communicable Diseases. In such case of exclusion, the FOOD HANDLER shall not be allowed to return to work until APPROVED to do so by the HEALTH AUTHORITY~~

(2) Has an illness diagnosed by a health practitioner due to:

- (a) Norovirus,
- (b) Hepatitis A virus,
- (c) Shigella spp.,
- (d) Shiga toxin-producing Escherichia Coli,
- (e) Typhoid fever (Salmonella Typhi), or
- (f) Salmonella (non-Typhoidal),

(3) Had Typhoid fever, diagnosed by a health practitioner, within the past three months, without having received antibiotic therapy, as determined by a health practitioner,

(4) Has been exposed to, or is the suspected source of, a confirmed disease outbreak, because the food handler consumed or prepared food implicated in the outbreak, or consumed food at an event prepared by a person who is infected or ill with:

- (a) Norovirus within the past 48 hours of the last exposure,
- (b) Shiga toxin-producing Escherichia coli or Shigella spp. within the past three calendar days of the last exposure,
- (c) Typhoid fever within the past 14 calendar days of the last exposure, or
- (d) Hepatitis A virus within the past 30 calendar days of the last exposure, or

(5) Has been potentially exposed by attending or working in a setting where there is a suspected or confirmed disease outbreak, or knowingly living in the same household with an individual who works or attends a setting where there is a suspected or confirmed disease outbreak, or knowingly living in the same household with an individual diagnosed with an illness caused by:

- (a) Norovirus within the past 48 hours of the last exposure,
- (b) Shiga toxin-producing Escherichia coli or Shigella spp. within the past three calendar days of the last exposure,
- (c) Typhoid fever within the past 14 calendar days of the last exposure, or
- (d) Hepatitis A virus within the past 30 calendar days of the last exposure.

(B) The PIC must notify the Health Authority when a food handler is:

- (1) Jaundiced, or
- (2) Diagnosed with an illness due to a pathogen as specified under Subparagraphs (A)(2)(a)–(f) of this section.

(C) The PIC must ensure that an employee:

- (1) Who exhibits or reports a symptom, or who reports a diagnosed illness as specified under subparagraphs (a)(1) – (3) of this section, is prohibited from becoming a food handler until the

employee meets the criteria for the specific symptoms or diagnosed illness as specified under § 2-201.3, and

(2) Who will work as a food handler in a food establishment that serves as a highly susceptible population and reports a history of exposure as specified under subparagraphs (A)(4)-(5), is prohibited from becoming a food handler until the employee meets the criteria as specified under ¶ 2-201.3(J).

(D) The PIC must ensure that a food handler who exhibits or reports a symptom, or who reports a diagnosed illness or a history of exposure as specified under Subparagraphs (A)(1)–(5) of this section is:

(1) Excluded as specified under ¶¶ 2-201.2 (A)–(C), and Subparagraphs (D)(1), (E)(1), (F)(1), (G) or (H)(1) and in compliance with the provisions specified under ¶¶ 2-201.3(A)–(H), or

(2) Restricted as specified under Subparagraphs 2-201.2 (D)(2), (E)(2), (F)(2), (H)(2), or ¶¶ 2-201.2(I) or (J) and in compliance with the provisions specified under ¶¶ 2-201.3(D)–(J).

(E) A food handler must report to the PIC the information as specified under ¶ (A) of this section.

(F) A food handler must:

(1) Comply with an exclusion as specified under ¶¶ 2-201.2 (A)–(C) and Subparagraphs 2-201.2(D)(1), (E)(1), (F)(1), (G), or (H)(1) and with the provisions specified under ¶¶ 2-201.3(A)–(H), or

(2) Comply with a restriction as specified under Subparagraphs 2-201.2(D)(2), (E)(2), (F)(2), (G), (H)(2), or ¶¶ 2-201.2 (H), (I), or (J) and comply with the provisions specified under ¶¶ 2-201.3(D)–(J).

2-201.2 Exclusions and Restrictions

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

(A) If symptomatic with vomiting or diarrhea, except when the symptom is from a noninfectious condition, exclude a food handler if the food handler is:

(1) Symptomatic with vomiting or diarrhea, or

(2) Symptomatic with vomiting or diarrhea and diagnosed with an infection from *Norovirus*, *Shigella* spp., *Salmonella* (non-Typhoidal), or Shiga toxin-producing *E. Coli*.

(B) If jaundiced or diagnosed with Hepatitis A infection, exclude a food handler who is:

(1) Jaundiced and the onset of jaundice occurred within the last seven calendar days, unless the food handler provides to the PIC written medical documentation from a health practitioner specifying that the jaundice is not caused by Hepatitis A virus or other fecal-orally transmitted infection,

(2) Diagnosed with an infection from Hepatitis A virus within 14 calendar days from the onset of any illness symptoms, or within seven calendar days of the onset of jaundice, or

(3) Diagnosed with an infection from Hepatitis A virus without developing symptoms.

(C) If diagnosed with Typhoid fever or the food handler reported an illness with Typhoid fever within the past three months, exclude the food handler as specified under Subparagraph 2-201.1(A)(3),

(D) If diagnosed with an asymptomatic infection from *Norovirus*:

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

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

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

- (A) Except when a food handler is diagnosed with Typhoid fever or an infection from Hepatitis A virus:
- (1) Reinstate a food handler who was excluded as specified under Subparagraph 2-201.2(A)(1) if the food handler:
 - (a) Is asymptomatic for at least 24 hours, or
 - (b) Provides to the PIC written medical documentation from a health practitioner that states the symptom is from a noninfectious condition.

- (2) If a food handler was diagnosed with an infection from norovirus and excluded as specified under Subparagraph 2-201.2(A)(2):
- (a) Restrict the food handler, who is asymptomatic for at least 24 hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under Subparagraphs (D)(1) or (2) of this section are met, or
 - (b) Retain the exclusion for the food handler, who is asymptomatic for at least 24 hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under Subparagraphs (D)(1) or (2) of this section are met.
- (3) If a food handler was diagnosed with an infection from *Shigella* spp. And excluded as specified under subparagraph 2-201.2(A)(2):
- (a) Restrict the food handler, who is asymptomatic for at least 24 hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under Subparagraphs (E)(1) or (2) of this section are met, or
 - (b) Retain the exclusion for the food handler, who is asymptomatic for at least 24 hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under Subparagraphs (E)(1) or (2), or (E)(1) and (3)(a) of this section are met.
- (4) If a food handler was diagnosed with an infection from Shiga toxin- producing *Escherichia coli* and excluded as specified under Subparagraph 2-201.2(A)(2):
- (a) Restrict the food handler, who is asymptomatic for at least 24 hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under Subparagraphs (F)(1) or (2) of this section are met, or
 - (b) Retain the exclusion for the food handler, who is asymptomatic for at least 24 hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under Subparagraphs (F)(1) or (2) are met.
- (5) If a food handler was diagnosed with an infection from *Salmonella* (non-Typhoidal) and excluded as specified under Subparagraph 2- 201.2(A)(2):
- (a) Restrict the food handler, who is asymptomatic for at least 30 calendar days until conditions for reinstatement as specified under Subparagraphs (G)(1) or (2) of this section are met, or
 - (b) Retain the exclusion for the food handler who is symptomatic, until conditions for reinstatement as specified under Subparagraphs (G)(1) or (G)(2) of this section are met.
- (B) Reinstatement a food handler who was excluded as specified under ¶ 2- 201.2(B) if the PIC obtains approval from the Health Authority and one of the following conditions is met,
- (1) The food handler has been jaundiced for more than seven calendar days,
 - (2) The food handler has been symptomatic with symptoms other than jaundice for more than 14 calendar days, or
 - (3) The food handler provides to the PIC written medical documentation from a health practitioner stating that the food handler is free of a Hepatitis A virus infection.
- (C) Reinstatement a food handler who was excluded as specified under ¶ 2- 201.2(C) if:
- (1) The PIC obtains approval from the Health Authority, and

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

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

(3) Typhoid fever (caused by *Salmonella* Typhi) and one of the following conditions is met:

- (a) More than 14 calendar days have passed since the last day the food handler was potentially exposed, or
- (b) More than 14 calendar days have passed since the food handler's household contact became asymptomatic.

(4) Hepatitis A virus and one of the following conditions is met:

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

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

2-301 Hands and Arms

2-301.1 ~~2-301.11~~ Clean Condition

~~FOOD HANDLERS shall~~

~~Food handlers must~~ keep their hands and exposed portions of their arms clean.

~~**2-301.12 Cleaning Procedure**~~

~~Except as specified in Paragraph (D) of this Section, FOOD HANDLERS shall use an APPROVED cleaning compound to clean their hands and exposed portions of their Hands and arms, including include surrogate prosthetic devices for hands or and arms, for at least 15 seconds, in a HAND WASHING SINK that is equipped as specified in Chapter 5-202.12 of these Regulations.~~

~~FOOD HANDLERS shall~~

~~**2-301.2 Cleaning Procedure**~~

(A) Except as specified in ¶ (D), food handlers must clean their hands and exposed portions of their arms for at least 20 seconds, using a cleaning compound in a handwashing sink that is equipped as specified under § 5-202.2 and Subpart 6-301.

~~(A)~~(B) Food handlers must use the following cleaning procedure, in the order stated, to clean their hands and exposed portions of their arms, ~~including surrogate prosthetic devices for hands and arms:~~

- (1) Rinse under clean, running, warm water.
- (2) Apply an amount of APPROVED cleaning compound, recommended by the cleaning compound manufacturer,
- (3) Rub together vigorously for at least 10 to 15 seconds while:
 - (a) Paying particular attention to removing soil from underneath the fingernails, during the cleaning procedure, and
 - (b) Creating friction on ~~the~~all surfaces of the hands and arms ~~or surrogate prosthetic devices for hands and arms, finger tips, fingertips,~~ and areas between the fingers.
- (4) Thoroughly rinse under clean, running, warm water, and
- (5) Immediately follow the cleaning procedure with thorough drying using ~~a method as specified in Chapter 5-202.12 (I) (J) of these Regulations.~~ clean, disposable towels.

~~(B)~~(C) To avoid ~~re-contaminating hands or surrogate prosthetic devices~~ recontaminating their hands, food handlers may use disposable paper towels, or similar clean barriers, when touching surfaces ~~including but not limited to such as~~ manually operated faucet handles on a HAND-WASHING handwashing sink or the handle of a restroom door.

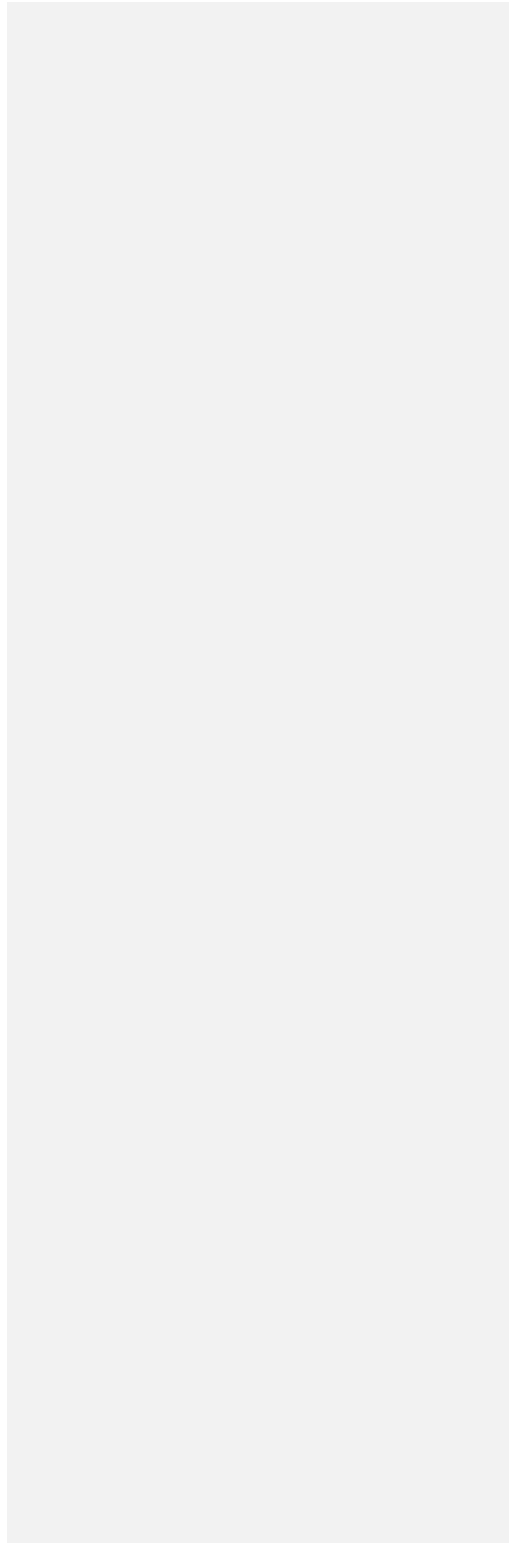
~~(C)~~(D) If approved and capable of removing the types of soils encountered in the food operations involved, an automatic HAND-WASHING SINK, using clean warm water, handwashing facility may be used by food handlers to clean their hands ~~or surrogate prosthetic devices, and exposed portions of their arms.~~

2-301.3 ~~2-301.13~~ When to Wash

~~FOOD HANDLERS shall~~

Food handlers must clean their hands and exposed portions of their arms as specified ~~in Chapter under § 2-301.2-301.12 of these Regulations~~ immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service ~~ARTICLES~~ and single-use articles and:

- (A) After touching bare human body parts other than clean hands and clean, exposed portions of arms.
- (B) After using the ~~toilet room,~~ restroom,
- (C) After caring for or handling ~~SERVICE ANIMALS~~ service animals or aquatic animals as specified in ~~Chapter § 2-403.11 (B) of these Regulations,~~
- (D) Except as specified in ~~Chapter § 2-401.11-1 (B) of these Regulations,~~ after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.
- (E) After handling soiled equipment or utensils.
- ~~(A)~~ During food preparation, as often as necessary to remove soil and contamination, and to prevent
- (F) ~~CROSS- cross~~ contamination when changing tasks.
- (G) When switching between working with raw food and working with ready-to-eat food.
- ~~(B)~~ When using gloves for working with FOOD, hands shall be washed:
- (H) Before donning gloves ~~for to~~ initiate a task that involves working with food, and



- (I) ~~(1) After removing gloves when handling raw animal products.~~
(I) After engaging in other activities that contaminate the hands.

~~(C) Other standard operating procedures may be submitted for consideration by the HEALTH AUTHORITY.~~
2-301.4 ~~2-301.14~~ **Where to Wash**

~~FOOD HANDLERS shall~~

~~Food handlers must clean their hands in a HAND WASHING and exposed portions of their arms in a designated handwashing sink or approved automatic HAND WASHING SINK. Employees shall handwashing facility and must not clean their hands in a WARE WASHING sink used for food preparation, or warewashing or in a service sink, or in a curbed cleaning facility used for the disposal of mop water and similar liquid waste wastewater.~~

2-301.5 ~~2-301.15~~ **Hand Antiseptics**

~~(A) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:~~
(A) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall must:

(1) Comply with one of the following:

- (a) Be an approved drug that is listed in the FDA publication *Approved Drug Products with Therapeutic Equivalence Evaluations* as an approved drug based on safety and effectiveness, ~~or~~
(b) Have active antimicrobial ingredients ~~which that~~ are listed in the FDA monograph for *OTC Health-Care Antiseptic Drug Products* as an antiseptic ~~hand wash~~ handwash, and,

~~Comply~~

(2) ~~Consist only of components which the intended use of each complies with one of the following: Have components which are exempted from the requirement of being listed in federal FOOD-ADDITIVE regulations as specified in 21CFR~~
(2) Consist only of components which the intended use of each complies with one of the following:

- (a) A threshold of regulation exemption under 21 CFR 170.39, Threshold of regulation for substances used in food-contact articles; or
(a) ~~Comply with and be listed in one of the following:~~
(b) 21 CFR 178, Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers as regulated for use as a food additive with conditions of safe use; or
(c) A determination of Generally Recognized as Safe (GRAS). Partial listings of substances with food uses that are GRAS may be found in 21 CFR 182, Substances Generally Recognized as Safe, 21 CFR 184, Direct Food Substances Affirmed as Generally Recognized as Safe, or 21 CFR 186, Indirect Food Substances Affirmed as Generally Recognized as Safe for use in contact with food, and in FDA's Inventory of GRAS Notices, or
(d) A prior sanction listed under 21 CFR 181 Prior-Sanctioned Food Ingredients, or
(e) An effective food contact notification, and

(3) Be applied only to hands and exposed portions of arms that are cleaned as specified ~~in Section under § 2-301.12 of this Chapter.2.~~

~~(B) If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under Paragraph Subparagraph (A)-(1)(2) of this section, its use shall:~~
(B) If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under Paragraph Subparagraph (A)-(1)(2) of this section, its use shall must be:

~~Require~~

- (1) Followed by thorough hand rinsing in clean water, before hand ~~beforehand~~ contact with food, or ~~before by the donning use of gloves; or~~
(2) ~~Be~~ Limited to situations that involve no direct contact with food by the bare hands.

(C) A hand antiseptic solution used as a hand dip ~~shall~~ must be maintained clean and at a strength equivalent to at least 100 mg/L chlorine.

~~2-301~~ **Fingernails**

~~2-302.11~~

2-302 Fingernail Maintenance

~~FOOD HANDLERS shall~~

(A) Food handlers must keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.

(B) Except as provided in ¶ (C) of this section, or unless wearing intact gloves, in good repair, a food handler ~~shall~~may not wear fingernail polish or artificial fingernails when working with exposed food.

¶ (B) of this section does not apply to food handlers such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

~~2-302~~ **Jewelry**

2-303 ~~2-303.11~~ Prohibition

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

~~2-303~~ **Outer Clothing**

2-304 ~~2-304.11~~ in Clean Condition

~~FOOD HANDLERS shall~~

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

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

~~2-401~~ **Food Contamination Prevention**

~~2-401.1~~ **Eating, Drinking, or Using Tobacco**

(A) Except as specified in ~~Paragraph~~¶ (B) of this section, an employee ~~shall~~must not eat ~~or~~eat, drink ~~only~~only, or use any form of tobacco, smoking, or vaping products except in designated areas where the contamination of exposed food, clean equipment, utensils, LINENS, and linens; unwrapped single-service ARTICLES and single-use articles ~~does not occur~~or other items needing protection cannot result.

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

~~CONTAMINATION of:~~

- (1) The ~~employee's~~food handler's hands;
- (2) The container; and
- (3) Exposed food; clean equipment, utensils, LINEN, or and linens; and unwrapped single-service ARTICLES~~and single-use articles.~~
and SINGLE USE ARTICLES.

~~2-401.12~~

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

2-401.12-401.2 Discharges from the Eyes, Nose, and Mouth

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

~~2-402-~~

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

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

Hair Restraints

~~2-402-402~~ **2-402.11 Restraint Effectiveness**

(A) Except as provided in ~~Paragraph 11~~ (B) of this section, food handlers ~~shall~~**must** wear hair restraints ~~including but not limited to for hair such as~~ hats, hair coverings or nets, beard restraints, ~~and~~ clothing that covers body hair, ~~or other hair restraints that are designed and worn to~~ effectively keep their hair from contacting exposed food;~~;~~ clean equipment, utensils, and linens;~~;~~ ~~and~~ unwrapped single-service ~~ARTICLES~~ and single-use articles.

(B) This section does not apply to food handlers, ~~including but not limited to such as~~ counter staff, ~~baristas, and bartenders~~ who only serve beverages and wrapped or packaged ~~FOOD~~foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food;~~;~~ clean equipment, utensils, and linens;~~;~~ ~~and~~ unwrapped single-service ~~ARTICLES~~ and single-use articles.

~~2-403~~ **Animals**

~~2-403.11~~

~~2-402-403~~ **Animal Handling Prohibition**

(A) Except as specified in ~~Paragraph 11~~ (B) of this section, food handlers ~~may~~**must** not care for or handle animals ~~that may be present including but not limited to such as~~ patrol dogs, service animals, or pets that are allowed as specified in ~~Chapter Subparagraphs 6-501.21 of these Regulations, 14(B)(2)-(6).~~

(B) Food handlers with service animals may handle or care for their service animals. ~~and~~ food handlers may handle or care for fish in aquariums or molluscan ~~SHELLSTOCK~~shellfish or crustacea in display tanks if they wash their hands as specified ~~in Chapter under § 2-301.122 and ¶ 2-301.14-3(C) of these Regulations.~~
~~2-404. FOOD HANDLER Employment~~

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

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

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

2-6 Food Handler Employment Requirements

Subpart

2-601 Food Handler Safety Training Card Requirements

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

2-601 Food Handler Safety Training Card Requirements ~~2-404.11~~ Health Cards

~~Before~~

~~(A) Except as specified in § 2-602, a person ~~begin~~ must be in possession of a valid food handler safety training card issued by SNHD prior to employment in a food establishment, ~~application shall be made for a FOOD-HANDLER HEALTH CARD issued by~~.~~

~~(A)(B) The food handler may, as an alternative to the Southern Nevada Health District (SNHD), All applicable requirements shall be completed within the timeframes designated by SNHD Health Cards Department food handler safety training card, obtain a Certified Food Protection Manager card issued by SNHD, if the applicant has completed the training and passed a proctored exam that is part of an accredited program in conformance with § 2-102.3.~~

~~(A) A PERSON employed as FOOD HANDLER in a PERMITTED FOOD ESTABLISHMENT shall possess a current FOOD HANDLER HEALTH CARD issued by SNHD. The issued FOOD HANDLER HEALTH CARD shall be maintained at their work station, or on their PERSON, and be available for review by the HEALTH AUTHORITY.~~

Chapter 3

(C) The food handler must provide proof of a valid food handler safety training card to the Health Authority upon request.

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

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

- (A) A person employed in a food establishment who only handles food that is packaged and not TCS food and only handles TCS foods incidentally, outside the normal and usual course of the person's assigned duties,
- (B) Temporary trainers, guest chefs, and other personnel working at a food establishment for not more than seven calendar days within a 6-month period,
- (C) Persons who are Registered Environmental Health Specialists,
- (D) Volunteers working in a school kitchen under the supervision of a Certified Food Protection Manager,
- (E) Volunteers working for a 501(c)(3) under the supervision of a Certified Food Protection Manager,
- (F) Inmates who work under the management of a Certified Food Protection Manager, and
- (G) Individuals unable to obtain a Food Handler Safety Training Card because of a disability who work under the supervision of a Certified Food Protection Manager.

Commented [CS18]: Comment:
Food handler must be able to show verification of valid food handler safety training card. Some cards are printed on paper online. Can cards just be verified using the app, picture on the phone, etc.

Commented [CS19R18]: Proof of a card can be a paper or electronic copy. Can be verified in app

Commented [CS20]: Comment:
We would lose a lot of volunteers if a CFPM is required for the shelter during times when we are not selling to the public.

Commented [CS21R20]: Added exemption for non-profit volunteers

Chapter 3 Food

Parts

- 3-1 Characteristics
- 3-2 Sources, Specifications, and Original Containers and Records
- 3-3 Protection from Contamination after Receiving
- 3-4 Destruction of Organisms of Public Health Concern
- 3-5 Limitation of Growth of Organisms of Public Health Concern
- 3-6 ~~3-6~~ Food Identity, Presentation, and On-Premises Labeling
- 3-7 Contaminated Food
- 3-8 Special Requirements for Highly Susceptible Populations

~~3-101 Condition~~

~~3-101.11~~

3-1	Characteristics
Subpart	
3-101	Safe, Unadulterated, and Honestly Presented Condition

3-101 Safe, Unadulterated, and Honestly Presented Condition

~~All FOOD in a FOOD ESTABLISHMENT shall be wholesome, free from spoilage, adulteration, and misbranding.~~

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

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

3-201 Sources

3-201.1 ~~3-201.11~~ Compliance with Food Law

~~FOOD shall~~

(A) Food must be obtained from ~~an APPROVED SOURCE~~ approved sources.

(B) Food prepared in a private home may must not be used ~~or, sold,~~ offered or displayed for ~~human consumption~~ sale or service in a food establishment.

(C) Packaged food sold, offered or displayed for sale, or served must be labeled as specified in law, including 21 CFR 101 Food Labeling, 9 CFR 317 Labeling, Marking Devices, and Containers, and 9 CFR 381 Subpart N Labeling and Containers, and as specified under §§ 3-202.7 and 3-202.8.

(D) Fish, other than those specified in ¶ 3-402.1(B), that are intended for consumption in raw or undercooked form and allowed as specified in ¶ 3-401.1(D), may be sold, offered or displayed for sale, or served only when they are obtained from a supplier that freezes the fish as specified under § 3-402.1; or when they are frozen on the premises as specified under § 3-402.1 and records are retained as specified under § 3-402.2.

(E) Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in ¶ 3-401.1(C) must be:

(1) Obtained from a food processing establishment that, upon request by the purchaser, packages the steaks and labels them, to indicate that the steaks meet the definition of whole-muscle, intact beef, or

(2) Deemed acceptable by the Health Authority based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of whole-muscle, intact beef, and

(3) If individually cut in a food establishment:

(a) Cut from whole-muscle, intact beef that is labeled by a food processing establishment as specified in Subparagraph (E)(1) of this section or identified as specified in Subparagraph (E)(2) of this section,

(b) Prepared so they remain intact, and

(c) If packaged for undercooking in a food establishment, labeled as specified in Subparagraph (E)(1) of this section or identified as specified in (E)(2) of this section.

(F) Meat and poultry that is not a ready-to-eat food and is in a packaged form when sold, offered or displayed for sale, or served, must be labeled to include safe handling instructions as specified in law, including 9 CFR 317.2(l) and 9 CFR 381.125(b).

(G) Eggs that have not been specifically treated to destroy all viable *Salmonellae* must be labeled to include safe handling instructions as specified in law, including 21 CFR 101.17(h).

3-201.2 Food in a Hermetically Sealed Container

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

3-201.3 Fluid Milk and Milk Products

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

3-201.4 Fish

(A) Fish that are received for use, sale, or service must be:

(1) Commercially and legally caught or harvested, or

(2) Approved for use, sale, or service.

(B) Molluscan shellfish that are recreationally caught must not be received for use, sale, or service.

3-201.5 Molluscan Shellfish

(A) Molluscan shellfish must be obtained from sources according to law and the requirements specified in the most recent version of the *National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish*.

(B) Molluscan shellfish received in interstate commerce must be from sources that are listed in the FDA Interstate Certified Shellfish Shippers List.

3-201.6 Wild Mushrooms

~~(A)~~ Except as specified in ~~¶~~ (B) of this section, mushroom species picked in the wild must not be used, sold, offered or displayed for sale, or served by a food establishment unless the food establishment has been approved to do so.

~~(A)(B)~~ This section does not apply to employee "pot lucks":

~~(A)~~ Wild mushrooms shall be either:

(1) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the local HEALTH AUTHORITY or AGENCY OF JURISDICTION that has jurisdiction over the operation or, Health Authority, or

(2) Wild mushroom species if they are in packaged form and are the product of a food processing ESTABLISHMENT, plant that is regulated by the local HEALTH AUTHORITY or AGENCY OF JURISDICTION that has food regulatory agency of jurisdiction over the ESTABLISHMENT plant.

~~(B)~~ PACKAGED FOOD shall be labeled as specified in LAW, including 21 CFR, 101 Food Labeling, 9 CFR 317, Labeling, Marking Devices, and Containers, and 9 CFR 381, Subpart N, Labeling and Containers, and as specified in Paragraphs 3-202.17 and 3-202.18 of this Chapter. PACKAGED FOOD sold for off PREMISE consumption in Clark County, Nevada, shall be exempt from nutritional labeling.

~~(C)~~ FISH, other than MOLLUSCAN SHELLSTOCK that are intended for consumption in their raw form, may be offered for sale or service if they are obtained from a supplier that freezes the FISH as specified in Paragraph 3-402.11 of this Chapter, or frozen on the PREMISES as specified in Paragraph 3-402.11 of this Chapter, and records are retained as specified in Paragraph 3-402.12 of this Chapter.

~~(D)~~ MEAT and POULTRY for retail sale that is not a READY TO EAT FOOD, and is in a PACKAGED form when it is offered for sale or otherwise offered for consumption, shall be labeled to include safe handling instructions as specified in LAW, including 9 CFR 317.2 (1) and 9 CFR 381.125 (b).

~~(E)~~ EGGS for retail sale, which have not been specifically treated to destroy all viable *Salmonellae*, shall be labeled to include safe handling instructions as specified in LAW, including 21 CFR 101.17 (h).

~~3-201.12~~ FOOD in HERMETICALLY SEALED CONTAINER

~~FOOD in a HERMETICALLY SEALED CONTAINER shall be obtained from a FOOD PROCESSING ESTABLISHMENT that is regulated by the HEALTH AUTHORITY or AGENCY OF JURISDICTION over the ESTABLISHMENT.~~

~~3-201.13~~ **Fluid Milk and Milk Products**

Fluid milk and milk products:

- ~~(A) Shall be obtained from sources that comply with GRADE A STANDARDS as specified in MAC 584.~~
- ~~(B) Shall bear a date established by the bottler as the date upon which, in order to ensure quality, the milk or product is to be removed from the shelf or otherwise withdrawn from sale to the consumer.~~

~~3-201.14~~ **Treated, PRE PACKAGED JUICE shall:**

- ~~(A) Be obtained from a processor with a HACCP system as specified in 21 CFR, Part 120.~~
- ~~(B) Be obtained PASTEURIZED or otherwise treated to attain a 5 log reduction of the most resistant micro-organism of public health significance as specified in 21 CFR, Part 120.21 Process Controls.~~
- ~~(C) This section does not apply to fresh squeezed JUICES from a PERMITTED facility within a given location owned by PERMITTEE.~~

~~3-201.15~~ **FISH**

FISH that

~~3-201.7~~ **Game Animals**

~~(A) If game animals are received for use, sale, or service shall, they must be:~~

~~(1) Commercially and legally caught or harvested, raised for food and:~~

~~(1) APPROVED for sale or service.~~

~~(B) MOLLUSCAN SHELLSTOCK that are recreationally caught may not be received by a PERMITTED FOOD ESTABLISHMENT for sale or service.~~

~~3-201.16~~ **MOLLUSCAN SHELLSTOCK**

~~(A) MOLLUSCAN SHELLSTOCK shall be obtained from sources according to LAW and shall meet the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, and National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.~~

~~(B) MOLLUSCAN SHELLSTOCK, received in interstate commerce, shall be from sources listed in the Interstate Certified Shellfish Shippers list).~~

~~3-201.17~~ **GAME ANIMALS**

~~MEAT or products from recreationally caught animals shall not be received for sale or service to a customer.~~

~~(a) Raised, slaughtered, and processed under a voluntary inspection program that is conducted by the agency that has animal health jurisdiction, or~~

~~(b) Under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction, and~~

~~(c) Raised, slaughtered, and processed according to:~~

~~(i) Laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and~~

~~(ii) Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee,~~

~~(2) Under a voluntary inspection program administered by the USDA for game animals such as exotic animals (reindeer, elk, deer, antelope, water buffalo, or bison) that are inspected and approved in accordance with 9 CFR 352 Subpart A Exotic Animals; Voluntary Inspection or rabbits that are inspected and certified in accordance with 9 CFR 354 Voluntary Inspection of Rabbits and Edible Products Thereof.~~

~~(3) As allowed by law, for wild game animals that are live caught:~~

~~(a) Under a routine inspection program conducted by a regulatory agency such as the agency that has animal health jurisdiction, and~~

~~(b) Slaughtered and processed according to:~~

Commented [CS22]: Comment: Change back to MFC language because info may not be accurate. Voluntary inspection program documentation provided

Commented [CS23R22]: Done

Commented [CS24]: See above

- (i) Laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and
- (ii) Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee; or

(4) As allowed by law, for field-dressed wild game animals under a routine inspection program that ensures the animals:

- (a) Receive a postmortem examination by an approved veterinarian or veterinarian's designee, or
- (b) Are field-dressed and transported according to requirements specified by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and
- (c) Are processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.

(B) A game animal must not be received for use, sale, or service if it is a species of wildlife that is listed in 50 CFR 17 Endangered and Threatened Wildlife and Plants.

3-202 Specifications for Receiving
3-202.1 ~~3-202.11~~ Temperature

Refrigerated PHF

(A) Except as specified in ¶ (B) of this section, refrigerated TCS ~~shall~~ food must be received at a temperature of 41 °F ± 2° (5 °C) or below, except when received. A food establishment must reject delivery of refrigerated TCS food, unless it is delivered at a temperature of 41 °F (5 °C) or below.

(B) To maintain TCS food at a temperature of 41 °F or below in receiving areas that service multiple food establishments, adequate refrigeration large enough to store palletized goods is required in the receiving area.

(A)(C) If a temperature other than 41 °F (5 °C) for a TCS food is specified in law governing its distribution, such as laws governing milk and live molluscan shellfish, the food must be received at or below the specified temperature.

MOLLUSCAN SHELLSTOCK may

(B)(D) Raw eggs must be received at in refrigerated equipment that maintains an ambient air temperature of 45 °F ± 2° (7 °C) or below.

Cooked PHF (TCS)

(C)(E) TCS food that is cooked to a temperature and for a time specified under §§ 3-401.1 -3-401.3 and received hot shall must be maintained at a temperature of 135 °F ± 2° (57 °C) or above.

(D)(F) A food that is labeled frozen and shipped frozen by a food processing ESTABLISHMENT shall plant must be received frozen.

(E)(G) Upon receipt, PHF (TCS) shall food must be free of evidence of previous temperature abuse including but not limited to:

- (1) Discoloration.
- (2) Excessive ice crystals.
- (3) Collapsed carton.
- (4) Odor.
- (5) Misshapen from thawing and refreezing.
- (6) Abnormal texture.

Commented [CS25]: Comment:
 We need to require coolers in receiving areas so that food is not just sitting out of temperature while waiting to be taken to other outlets.

~~(7) Sliminess.~~

~~3-202.12~~ **ADDITIVES**

~~FOOD shall~~

3-202.2 Additives

~~Food must not contain unAPPROVED FOOD ADDITIVES unapproved food additives or ADDITIVES additives that exceed amounts specified in 21 CFR 170-180 relating to FOOD ADDITIVES, 170180, inclusive, generally recognized as safe, or prior-sanctioned substances that exceed amounts specified in 21 CFR 181-186, inclusive, substances that exceed amounts specified in 9 CFR Subpart C, Section 424.21(b), Food ingredients and sources of radiation, or pesticide residues that exceed amounts provisions specified in 40 CFR 180 Tolerances and Exemptions for Pesticides Chemicals Chemical Residues in Food and Exceptions.~~

~~3-202.13~~ **EGGS**

~~EGGS shall~~

3-202.3 Eggs

~~Eggs must be received clean and sound and may must not exceed the restricted egg tolerances for U.S. Consumer Grade B as specified in current version of the USDA United States Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200 et seq., administered by the Agricultural Marketing Service of USDA. Raw fresh whole shell EGGS shall be received in refrigerated EQUIPMENT that maintains an ambient air temperature of 45±2° or less.~~

~~3-202.23-202.4~~ **3-202.14 Eggs and Milk Products, Pasteurized**

~~EGG PRODUCTS shall~~

- (A) ~~Egg products must~~ be obtained pasteurized.
- (B) Fluid and dry milk and milk products ~~shall must~~:
 - (1) Be obtained pasteurized, ~~and~~
 - (2) Comply with Grade A Standards as specified in law.
- (C) Frozen milk products, ~~including but not limited to such as~~ ice cream, ~~shall must~~ be obtained pasteurized as specified in 21 CFR 135 *Frozen Desserts*.
- (D) Cheese ~~shall must~~ be obtained pasteurized unless ~~processed by~~ alternative procedures ~~asto~~ pasteurization are specified in the ~~CFR's including but not limited to CFR, such as~~ 21 CFR 133 *Cheeses and Related Cheese Products for curing certain cheese varieties.*

~~3-202.33-202.5~~ **3-205.15 Package Integrity**

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

~~3-202.43-202.6~~ **3-202.16 Ice**

~~Ice, for use as a food or a cooling medium, shall must be made from drinking water. Ice produced in Clark County, and PACKAGED for off- PREMISES consumption, shall have labeling that provides for trace back to the point of production. Existing facilities currently packaging ice for off-premise consumption shall have one year from the adoption of these regulations to develop and submit labels to the HEALTH AUTHORITY for review and approval.~~

~~3-202.17~~ **SHUCKED SHELLSTOCK**

~~3-202.53-202.7~~ **Shucked Shellfish, Packaging and Identification**

- (A) Raw shucked shellstock ~~shall must~~ be obtained in ~~non-returnable nonreturnable~~ packages which bear a legible label ~~or tag~~ that identifies: the:

(1) ~~The~~ Name, address, and certification number of the shucker, ~~packer~~ or ~~the re-packer~~ repacker of the molluscan shellfish; and

~~MOLLUSCAN SHELLSTOCK.~~

(2) The “sell by” or best if used by date for packages with a capacity of less than 1.89 L (~~¼~~ one-half gallon) or the date shucked for packages with a capacity of 1.89 L (~~¼~~ one-half gallon) or more.

(B) A package of raw shucked shellstock that does not bear a label, or which bears a label ~~that~~ which does not contain all the information as specified in Paragraph under ¶ (A) of this section, ~~shall~~ must be subject to a hold order ~~as allowed by LAW,~~ or seizure and destruction, ~~as specified in accordance with~~ 21 CFR Subpart D Section 1240.60 (d) *Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d)-Molluscan shellfish.*

~~3-202.63-202.8~~ 3-202.18 — Shellstock Identification

~~SHELLSTOCK shall~~

(A) Shellstock must be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester ~~and by each~~ or molluscan shellfish dealer that deparates, ships, or ~~re-ships~~ reships the shellstock, as specified in the *National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish*, ~~and that list:~~

~~(A) — Fresh and frozen SHELLSTOCK, including but not limited to oysters, clams, or mussels, shall be packed in non-returnable packages that are labeled with the name and address of the original processor or the PERSON who re-packed them, and the interstate CERTIFICATION NUMBER.~~

~~Each container of un-SHUCKED SHELLSTOCK, including but not limited to oysters, clams, or mussels, shall be identified by a tag attached to the container stating the name and address~~

(1) Except as specified under ¶ (C) of this section, on the harvester's tag or label, the following information in the following order:

(a) The harvester's identification number,

(b) The date of harvesting,

(c) The most precise identification of the original harvester, dealer, or processor, harvest location or aquaculture site and the abbreviation of the name of the state or country in which the ~~kind~~ shellfish are harvested,

(d) The type and quantity of SHELLSTOCK in shellfish, and

(e) The following statement in bold, capitalized type: “THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS”, and

(2) Except as specified in ¶ (D) of this section, on each molluscan shellfish dealer's tag or label, the ~~container~~ following information in the following order:

(a) The dealer's name and address, and the interstate CERTIFICATION NUMBER issued ~~by~~ certification number,

(b) The original shipper's certification number including the abbreviation of the name of the state or ~~by~~ country in which the shellfish are harvested,

(c) The same information as specified for a harvester's tag under Subparagraphs (A)(1)(b)-(d) of this section, and

(d) The following statement in bold, capitalized type: “THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS”.

(B) A container of shellstock that does not bear a ~~foreign agency~~ tag or label, or which bears a tag or label which does not contain all the information as specified under ¶ (A) of this section, must not be used, sold, offered or displayed for sale, or served and must be subject to a hold order or seizure and destruction in accordance with 21 CFR Subpart D Section 1240.60 (d) *Specific Administrative Decisions Regarding Interstate Shipments, Molluscan shellfish.*

~~3-202.19~~ **SHELLSTOCK**

(C) If a place is provided on the harvester's tag or label for a molluscan shellfish dealer's name, address, and certification number, the dealer's information must be listed first.

(D) If the harvester's tag or label is designed to accommodate each molluscan shellfish dealer's identification as specified under Subparagraphs (A)(2)(a) and (b) of this section, individual dealer tags or labels need not be provided.

~~3-202.73-202.9~~ **Shellstock, Condition**

~~When received by a FOOD ESTABLISHMENT, SHELLSTOCK shall be-~~

A food establishment may offer shellstock for sale or service only when the shellstock was received reasonably free of mud, dead shellstock, and shellstock with broken shells. Dead SHELLSTOCKshellfish or shellstock with badly broken shells ~~shall~~ must be discarded. ~~3-203~~

~~3-202.10~~ **Juice Treated**

Pre-packaged juice must:

(A) Be obtained from a processor with a HACCP system as specified in 21 CFR Part 120 Hazard Analysis and Critical Control (HACCP) Systems, and

(B) Be obtained pasteurized or otherwise treated to attain a 5-log reduction of the most resistant microorganism of public health significance as specified in 21 CFR Part 120.24 Process Controls.

3-203 Original Containers and Records

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

(A) Except as specified in ¶¶ (B)—(D) of this section, molluscan shellfish must not be removed from the container in which they are received other than immediately before sale or preparation for service.

(B) For display purposes, shellstock may be removed from the container in which they are received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer only when:

(1) The source of the shellstock on display is identified as specified under § 3-202.8 and recorded as specified under § 3-203.2, and

(2) The shellstock are protected from contamination.

(C) Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request only when:

(1) The labeling information for the shellfish on display as specified under ~~§ 3-203.11~~ 202.7 is retained and correlated to the date when, or dates during which, the shellfish are sold or served, and

(2) The shellfish are protected from contamination.

(D) Shucked shellfish may be removed from the container in which they were received and repacked in consumer self-service containers only when:

(1) The labeling information for the shellfish is on each consumer self-service container as specified under § 3-202.7 and ¶¶ 3-602.1(A) and (B)(1)-(5).

(2) The labeling information as specified under § 3-202.7 is retained and correlated with the date when, or dates during which, the shellfish are sold or served.

(3) The labeling information and dates specified under Subparagraph (D)(2) of this section are maintained for 90 calendar days, and

(4) The shellfish are protected from contamination.

~~3-203.13-203.2~~ **Shellstock, Maintaining SHELLSTOCK Identification**

(A) Except as specified under Subparagraph (C)(2) of this section, shellstock tags ~~shall or labels must~~ remain attached to the container in which the shellstock ~~was~~are received by the FOOD ESTABLISHMENT until the container is empty ~~or remain with the product while in storage.~~

~~Tags or labels, from~~

(B) The date when the last shellstock from the container is sold or served must be recorded on the tag or label.

(C) The identity of the source of shellstock that ~~have been~~are sold or served, ~~shall must~~ be maintained by retaining tags or labels for a minimum of 90 calendar days from the date that is recorded on the tag or label. ~~A, as specified under ¶ (B) of this section, by:~~

(1) Using an approved record keeping system that keeps the tags or labels in chronological order, correlated to the date ~~when or dates during, which~~that is recorded on the SHELLSTOCK ~~are sold or served~~ shall be maintained. tag or label, as specified under ¶ (B) of this section, and

(2) If shellstock ~~is~~are removed from ~~it~~the tagged or labeled container:

~~The~~

(a) Preserving source identification ~~shall be preserved~~ by using a record keeping system as specified ~~in Paragraph B under Subparagraph (C)(1) of this section, and~~

(b) ~~The SHELLSTOCK shall not be~~ Ensuring that shellstock from one tagged or labeled container ~~are not~~ commingled with shellstock from another container, ~~unless and until, with different certification numbers; different harvest dates; or different growing areas as identified on the tag or label before~~ being ordered by the consumer.

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

3-301 Preventing Contamination by Employees

3-301.1 ~~3-301.11~~ Preventing Contamination from Hands

(A) Food handlers must wash their hands as specified under § 2-301.2.

(A) ~~Except when washing fruits and vegetables, FOOD HANDLERS shall eliminate bare hand contact with READY TO EAT FOOD by:~~

~~(A)~~(B) ~~Using a~~ as specified under § 3-302.5 or as specified in ¶¶ (D) and (E), food handlers must not contact exposed, ready-to-eat food with their bare hands or arms and must use suitable UTENSIL including but not limited to utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.

~~(1)~~ ~~Providing an alternative operational procedure APPROVED by the HEALTH AUTHORITY. A guidance document is provided in Appendix K.~~

FOOD HANDLERS shall

~~(B)~~(C) Food handlers must minimize bare hand and arm contact with ~~open FOOD~~-exposed food that is not in a ready-to-eat form.

FOOD HANDLERS,

(D) ¶ (B) does not apply to a food handler that contacts exposed, ready-to-eat food with bare hands at the time the ready-to-eat food is being added as an ingredient to a food that:

(1) Contains a raw animal food and is to be cooked in the food establishment to heat all parts of the food to the minimum temperatures specified in ¶¶ 3-401.1(A)-(B) or § 3-401.2, or

(2) Does not contain a raw animal food but is to be cooked in the food establishment to heat all parts of the food to a temperature of at least 145 °F (63 °C).

~~(C)~~(E) Food handlers not serving a highly susceptible population, may contact exposed ~~READY-TO-~~ ready-to-eat food with their bare hands, if only when:

(1) The permit holder obtains prior approval from the Health Authority.

(2) Written procedures are maintained in the food establishment and made available to the Health Authority upon request that include:
~~HEALTH AUTHORITY upon request.~~

(a) Each bare hand contact procedure must include a listing of the specific ready-to-eat foods that are touched by bare hands,

(b) Diagrams and other information showing that handwashing facilities, installed, located, equipped, and maintained as specified under §§ 5-203.1, 5-204.1, 5-205.1, 6-301.1, 6-301.2, and 6-301.3, are in an easily accessible location and in close proximity to the workstation where the bare hand contact procedure is conducted,

(3) A written employee health policy that details how the food establishment complies with §§ 2-201.1, 2-201.2, and 2-201.3 including:

(a) Documentation that ~~hands of FOOD HANDLERS,~~ food handlers acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases that are transmittable through food as specified under ¶ 2-201.1(A),

(b) Documentation that food handlers acknowledge their responsibilities as specified under ¶ 2-201.11(E) and (F), and

(c) Documentation that the PIC acknowledges the responsibilities as specified under ¶¶ 2-201.1(B), (C) and (D), and §§ 2-201.2 and 2-201.3.

(4) Documentation that food handlers acknowledge that they have received training in:

(a) The risks of contacting the specific ready-to-eat foods with bare hands,

(b) Proper handwashing as specified under § 2-301.2,

(c) When to wash their hands as specified under § 2-301.3,

(d) Where to wash their hands as specified under § 2-301.4,

(e) Proper fingernail maintenance as specified under § 2-302,

(f) Prohibition of jewelry as specified under § 2-303, and

(g) Good hygienic practices as specified under §§ 2-401.1 and 2-401.2;

~~(3)~~(5) Documentation that hands are washed, before food preparation and as necessary to prevent cross-CONTAMINATION, contamination by food handlers as specified under §§ 2-301.1, 2-301.2, 2-301.4, and 2-301.5 during all hours of operation when the specific ready-to-eat ~~FOOD is~~ foods are prepared, ~~as specified in Chapter 2-301.11, Chapter 2-301.12, Chapter 2-301.13, Chapter 2-301.14, and Chapter 2-310.15 of these Regulations, or general task or specific process is being performed;~~

(6) Documentation that food handlers contacting ready-to-eat food with bare hands use two or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact:

- (a) Double handwashing,
- (b) Nail brushes,
- (c) A hand antiseptic after handwashing as specified under § 2-301.5,
- (d) Incentive programs such as paid sick leave that assist or encourage food handlers not to work when they are ill, or
- (e) Other approved control measures; and
- (f) Documentation that corrective action is taken when Subparagraphs (E)(1)-(6) of this section are not followed.

~~3-301.2~~ Preventing Contamination when Tasting

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

3-302 Preventing Food and Ingredient Contamination

3-302.1 ~~3-302.11~~ Packaged and Unpackaged Food, ~~Separation, Packaging, and Segregation~~

~~FOOD shall~~

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

(1) Separating raw animal foods during storage, preparation, holding, and display ~~by separating raw animal FOOD from~~ from:

~~Raw~~ ready-to-eat food including, but not limited to, sushi and MOLLUSCAN SHELLSTOCK, by methods including but not limited to:

- (A) ~~Using separate EQUIPMENT for each type of FOOD.~~
- (B) ~~Storing or holding each type of FOOD in EQUIPMENT so that CROSS CONTAMINATION of one type with another is prevented. A guidance document is provided in Appendix B.~~
- (C) ~~Preparing each type of FOOD at different times or in separate areas.~~
- (D) ~~Cleaning and sanitizing EQUIPMENT and UTENSILS after preparing other raw animal food and before preparing READY TO EAT FOOD.~~
- (E) ~~Cleaning and removing visible soil from HERMETICALLY SEALED CONTAINERS of FOOD before opening.~~
- (F) ~~Separating damaged, spoiled, or recalled FOOD from FOOD that is to be consumed.~~
 - (a) ~~Separating unwashed such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food such as fruits and vegetables from READY TO EAT FOOD.~~
 - (b) ~~Cooked ready-to-eat food, and~~
 - (c) ~~Fruits and vegetables before they are washed.~~
 - ~~(b)~~(d) Except that frozen, commercially processed, and packaged raw animal food may be stored or displayed with or above frozen, commercially processed, and packaged, ready-to-eat food.

(2) Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:

- ~~(a) Using separate equipment for each type, or~~
- ~~(b) Arranging each type of food in equipment so that cross contamination of one type with another is prevented, and~~
- ~~(c) Preparing each type of food at different times or in separate areas.~~

~~(3) Cleaning equipment and utensils as specified under § 4-602.1 and sanitizing as specified under § 4-702.~~

~~(4) Except as specified under Subparagraph 3-501.5(B)(2) and in ¶ (B) of this section, storing food in packages, covered containers, or wrappings.~~

~~(5) Cleaning hermetically sealed containers of food of visible soil before opening.~~

~~(6) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened.~~

~~(7) Storing damaged, spoiled, or recalled food being held in the food establishment as specified under § 6-404, and~~

~~(8) Separating fruits and vegetables, before they are washed as specified under § 3-302.12-5 from ready-to-eat food.~~

~~(B) Subparagraph (A)(4) of this section does not apply to:~~

~~(1) Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption.~~

~~(2) Sections or slabs of raw meat or bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks.~~

~~(3) Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks.~~

~~(4) Food being cooled as specified under Subparagraph 3-501.5(B)(2), or~~

~~(5) Shellstock.~~

3-302.2 Food Storage Containers, Identified with Common Name of Food

Except for containers holding food that can be readily and unmistakably recognized ~~including but not limited to such as~~ dry pasta, working containers holding food, or food ingredients that are removed from their original packages for use in the food establishment, ~~including but not limited to such as~~ cooking oils, flour, herbs, potato flakes, salt, spices, and sugar ~~shall must~~ be identified, in English, with the common name of the food. ~~Other applicable languages may be used in addition to the English name.~~

3-302.3 ~~3-302.13~~ Pasteurized Eggs, Substitute for Raw ~~Shell~~ Eggs for Certain Recipes

Pasteurized eggs or egg products ~~shall must~~ be substituted for raw ~~shell~~ eggs in the preparation of ~~FOOD including but not limited to foods such as~~ Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages that are not ~~cooked unless~~:

- ~~(A) A management system is in place, and documented, to ensure that FOOD is discarded if not served or dispensed within three hours after preparation.~~

~~A CONSUMER advisory is included on the menu~~

(A) ~~Cooked as specified in Paragraph under Subparagraphs 3-401.11 (C) of this Chapter, 1(A)(1) or (2), or~~

(B) ~~Included in ¶ 3-302.14 401.1(D).~~

3-302.4 Protection from Unapproved Additives

~~As specified in Paragraph 3-202.12 of this Chapter, FOOD shall~~

(A) ~~Food must~~ be protected from contamination that may result from the addition of, as specified in § 3-202.2:

(1) ~~Unsafe or unapproved food or color additives, and~~

(2) ~~Unsafe or unapproved levels of approved food and color additives.~~

(B) ~~A food handler shall~~ must not:

(1) ~~Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B₁, or~~

(2) ~~Except for grapes, serve or sell food specified under Subparagraph (B)(1) of this section that is treated with sulfiting agents before receipt by the food establishment.~~

3-302.5 Washing Fruits and Vegetables

(A) ~~Except as specified in ¶ (B) of this section and except for whole, raw fruits and vegetables that are intended for raw consumption, washing by the consumer before consumption, raw fruits and vegetables must be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for sale in ready-to-eat form.~~

(B) ~~Fruits and vegetables may be washed by using chemicals as specified under § 7-204.2.~~

(C) ~~Devices used for on-site generation of chemicals meeting the requirements specified in 21 CFR 173.315, Chemicals used in washing or to assist in the peeling of fruits and vegetables, for the washing of raw, whole fruits and vegetables must be used in accordance with the manufacturer's instructions.~~

3-303 Preventing Contamination from Ice Used as a Coolant

3-303.1 ~~3-303.11~~ Ice Used as Exterior Coolant; Prohibited as Ingredient

After use as a medium for cooling, the exterior surfaces of food ~~including but not limited to such as~~ melons or fish, ~~and PACKAGED FOOD including but not limited to packaged foods such as~~ canned beverages, or ~~bottled BEVERAGES,~~ cooling coils, ~~and~~ tubes of equipment, ~~and~~ ice ~~shall~~ must not be used as food.

3-303.2 ~~3-303.12~~ Storage or Display of Food in Contact with Water or Ice

~~If FOOD is not~~

(A) ~~Packaged food must not be stored in direct contact with ice or water if the food is~~ subject to the entry of water, because of the nature of its packaging, wrapping, ~~or~~ container, or ~~position its positioning~~ in the ice, ~~PACKAGED FOOD may be stored in direct contact with ice water.~~

~~UnPACKAGED FOOD may~~

(B) ~~Except as specified in ¶¶ (C)–(E) of this section, unpackaged food must~~ not be stored in direct contact with ~~undrained ice that is not self draining, except that,~~

(C) ~~Whole, raw fruits, herbs or~~ vegetables, ~~cut, raw vegetables including but not limited to such as~~ celery or carrot sticks, ~~or~~ cut potatoes, ~~and~~ tofu may be immersed in ~~water or covered with ice or~~ water.

(D) Raw ~~chicken~~poultry and raw fish, that are received immersed in ~~water or covered with~~ ice in shipping containers, may remain in that condition while in storage awaiting preparation, display, service, or sale.

~~(E) Raw fish may be immersed in ice for storage.~~

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

3-304.1 ~~3-304.11~~ Food Contact with Equipment and Utensils

~~FOOD shall~~

Food must only contact surfaces of:

(A) Equipment and utensils that are ~~properly~~ cleaned as specified under Part 4-6 of these regulations and sanitized ~~as specified under Part 4-7 of these regulations,~~

~~3-304.12~~

~~(B) Single-service and single-use articles, or~~

~~(C) Linens, such as cloth napkins, as specified under § 3-304.3 that are laundered as specified under Part 4-8 of these regulations.~~

3-304.2 In-Use Utensils, Between-Use Storage

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

~~in PHF (TCS)~~

(A) Except as specified under ¶ (B) of this section, in the food with their handles above the top of the food and the container.

(B) In ~~FOOD that is not PHF (non- TCS), food~~ with their ~~clean~~ handles above the top of the food, within containers or equipment that can be closed, ~~including but not limited to such as~~ bins of sugar, flour, or cinnamon.

(C) On a clean ~~FOOD-CONTACT SURFACE, including but not limited to a portion of~~ at the food preparation table or cooking equipment only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment, ~~which has been properly~~ are cleaned and sanitized at ~~an APPROVED~~ a frequency ~~specified under §§ 4-602.1 and 4-702.1,~~

(D) In ~~water~~ running ~~at water of~~ sufficient velocity to flush particulates to the drain, if used with moist food ~~including but not limited to such as~~ ice cream or mashed potatoes.

(E) In a clean, protected location if the utensils ~~including but not limited to, such as~~ ice scoops, are used only with a food that is not a TCS food.

~~FOOD that is not PHF (TCS).~~

(F) In a container of water; if the water is maintained at a temperature of ~~41°F±2° or below, or at least 135 °F±2° or above, (57 °C)~~ and the ~~UTENSILS and~~ container ~~are cleaned at least every four hours, or more often if necessary to preclude accumulation of FOOD residue,~~ is cleaned at a frequency specified under Subparagraph 4-602.1(D)(7), or

~~3-304.13 Use Limitations, LINEN~~

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

3-304.3 Linens and Napkins, Use Limitation

~~LINEN and~~

Linens, such as cloth napkins ~~may, must~~ not be used in contact with food unless they are used to line ~~or cover~~ a container for the service of FOOD, foods and the LINEN linens and napkins are replaced each time the container is refilled for a new consumer.

3-304.4 ~~3-304.14~~ ~~Use Limitations; Wiping Cloths, Use Limitation.~~

~~(A) Cloths that are in use for wiping food spills shall be used for no other purpose, and shall be used:~~

~~(A) Dry; only to be used for wiping FOOD spills from tableware and carry-out containers; that occur as food is being served must be:~~

~~Wet; only to be used~~

~~(1) Maintained dry, and~~

~~(2) Used for no other purpose.~~

~~(B) Cloths in use for wiping spills from FOOD CONTACT and NON-FOOD CONTACT SURFACES of EQUIPMENT, counters and stored other equipment surfaces must be:~~

~~(1) Held between uses in a chemical sanitizer solution at a concentration of 50-100 ppm chlorine, or at the manufacturer's recommended strengths for all approved sanitizers within the water temperatures specified under § 4-501.14, and water hardness limits~~

~~(1)(2) Laundered daily as specified by the manufacturer under ¶ 4-802(D).~~

~~(B) Cloths used in use for the absorption of grease shall be used for no other purpose, and shall be changed at least every four hours or more often if necessary.~~

~~(B)~~(C) Dry or wet cloths that are used wiping surfaces in contact with raw animal FOOD shall foods must be kept separate from cloths used for other purposes.

~~Wet cloths used with raw animal FOOD shall be kept in a separate~~

~~(C) — Dry wiping cloths and the chemical sanitizing solution at a concentration as solutions specified by manufacturer's instructions.~~

~~(C)~~(D) in Subparagraph (B)(1) of this section in which wet wiping cloths used with a freshly made sanitizing solution, and dry wiping cloths shall are held between uses must be free of food debris and visible soil.

~~(D) — In use wiping cloths shall be maintained at the sanitizer concentrations as specified in Paragraph (A) (2) of this Section.~~

~~(E) — Wiping cloths shall be LAUNDERed, or removed from service, daily.~~

~~(F) — A WAIVER documenting an alternative operational procedure for wiping cloth usage may be submitted to the HEALTH AUTHORITY for consideration.~~

~~3-304.15 Use Limitations;~~

~~(E) — Containers of chemical sanitizing solutions specified in Subparagraph (B)(1) of this section in which wet wiping cloths are held between uses must be stored and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, or single-use articles.~~

~~(F) — Single-use disposable sanitizer wipes must be used in accordance with EPA-approved manufacturer's label use instructions.~~

3-304.5 Gloves, Use Limitation

(A) If used, single-use gloves ~~shall~~must be used for only one task ~~including but not limited to such as~~ working with ready-to-eat food or with raw animal food. ~~They shall be, used for no other task or purpose, and shall be discarded when damaged or soiled, or when interruptions occur in the operation.~~

(B) Except as specified in ~~Paragraph~~¶ (C) of this section, slash-resistant gloves, ~~which that~~ are used to protect the hands during operations requiring cutting, ~~shall~~ must be used in direct contact only with food that is subsequently cooked, ~~including but not limited to as specified under Part 3-4 of these regulations such as frozen food or a primal cut of meat as specified in Section 3-4 of this Chapter.~~

(C) Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked; if the slash-resistant gloves have a smooth, durable, and ~~non-absorbent~~nonabsorbent outer surface; or if the slash-resistant gloves are covered with a smooth, durable, ~~non-absorbent~~nonabsorbent glove, or ~~with~~ a single-use glove.

(D) Cloth gloves, ~~which may be a source of CROSS-CONTAMINATION, shall~~ must not be used in direct contact with food, unless the food ~~such as FROZEN FOOD or a PRIMAL CUT of MEAT is~~ subsequently cooked ~~to the as required temperature. Cloth gloves are to be properly LAUNDERed or discarded at the end of each shift under Part 3-4 of these regulations such as frozen food or a primal cut of meat.~~

3-304.6 ~~3-304.16~~ Using Clean Tableware for Second Portions and Refills

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

(B) Except as specified in ¶ (C) of this section, self-service consumers ~~shall~~must not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and ~~for the~~ serving equipment.

(C) Drinking cups and containers may be ~~re-used~~reused by self-service consumers; if ~~the~~ refilling is a contamination-free process, as specified ~~in Chapter under ¶¶ 4-409.11 of these Regulations. 204.3(A), (B), and (D).~~

3-304.7 ~~3-304.17~~ Refilling Returnables

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

~~(A)(B)~~ A take-home food container returned to a food establishment ~~shall not~~ may be refilled at a food establishment with ~~a PHF (TCS) food~~ if the food container is:

Except

- (1) Designed and constructed for reuse and in accordance with the requirements specified under Parts 4-1 and 4-2 of these regulations;
- (2) One that was initially provided by the food establishment to the consumer, either empty or filled with food by the food establishment, for the purpose of being returned for reuse,
- (3) Returned to the food establishment by the consumer after use,
- (4) Subject to the following steps before being refilled with food:
 - (a) Cleaned as specified in ~~Paragraph (C) of this Section~~, under Part 4-6 of these regulations,
 - (b) Sanitized as specified under Part 4-7 of these regulations, and
 - (c) Visually inspected by a food handler to verify that the container, as returned, meets the requirements specified under Part 4-1 and 4-2 of these regulations.

~~(C)~~ A take-home food container returned to a food establishment may be refilled at a food establishment with ~~FOOD~~ beverage if:

- (1) The beverage is not a TCS food,
- (2) The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food establishment,
- ~~(3)~~ (3) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not PHF (TCS) shall be cleaned/ recirculated are provided as specified in Chapter 4-409.11 part of these Regulations: the dispensing system,
- (4) The consumer-owned container returned to the food establishment for refilling is refilled for sale or service only to the same consumer, and
- (5) The container is refilled by:
 - (a) A food handler of the food establishment, or
 - (b) The owner of the container if the beverage system includes a contamination-free transfer process as specified under ¶¶ 4-204.3(A), (B), and (D) that cannot be bypassed by the container owner.

~~(B)(D)~~ Consumer-owned, personal take-out beverage containers including but not limited to, such as thermally insulated bottles, non-spill coffee cups, and promotional beverage glasses, may be refilled by food handlers or the consumer, if refilling is a contamination-free process as specified in Chapter under ¶¶ 4-409.11 of these Regulations: 204.3(A), (B), and (D).

In order to refill returnable

~~(C)(E)~~ Consumer-owned containers with that are not food-specific may be filled at a PHF (TCS), the following criteria must be met: water vending machine or system.

- (1) ~~Returnable containers to be refilled with a PHF (TCS) shall meet all requirements as specified in Chapter 4-301.11 (A) of these Regulations.~~
- (2) ~~The product contact surfaces of the returnable container shall be effectively cleaned and sanitized before each use and shall be re-sanitized whenever any non-sanitized product has contaminated it.~~

3-305 Preventing Contamination from the Premises
3-305.1 ~~3-305.11~~ Food Storage

- (A) Except as specified in ~~Paragraphs 111~~ (B) and (C) of this section, food ~~shall~~must be protected from contamination by storing the food:
- (1) In a clean, dry location~~;~~
 - (2) Where it is not exposed to splash, dust~~;~~ or other contamination~~;~~ and
 - (3) At least six inches (15 cm ~~(6)~~) above the floor.
- (B) Food in packages and working containers may be stored less than six inches (15 cm ~~(6)~~) above the floor~~;~~ on case lot handling equipment ~~including but not limited to dollies, pallets, racks, and skids designed to be moved by hand or by conveniently available apparatuses, including but not limited to hand trucks and forklifts as specified under § 4-204.23.~~
- (C) Pressurized beverage containers, cased food in waterproof containers~~;~~ ~~including but not limited to commercially SEALED such as~~ bottles or cans, ~~including liquor~~ and milk containers in plastic crates~~;~~ may be stored on a floor that is clean and ~~does not expose the container~~exposed to floor moisture.

3-305.2 ~~3-305.12~~ Food Storage Prohibited Areas

~~FOOD shall~~
Food must not be stored:

- (A) In locker rooms~~;~~
- (B) In ~~toilet rooms, restrooms,~~
- (C) In dressing rooms~~;~~
- (D) In garbage rooms~~;~~
- (E) In mechanical rooms~~;~~
- (F) Under sewer lines that are not shielded to intercept potential drips~~;~~
- (G) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water ~~may~~condense has condensed,
 - (A) ~~Under open stairwells containing steps which are not fully enclosed with backs and sides to prevent debris from falling onto the items stored below the open stairwell.~~
 - (H) Under open stairwells, or
 - (I) Under or next to other sources of contamination.
 - (B) ~~In unAPPROVED exterior storage locations.~~

~~3-305.13~~

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

Commented [CS26]: Comment:
Should not be in the Food Storage section

Commented [CS27R26]: Reverted to Food Code language and removed splashguard and distance, covered under cross-contamination

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

~~3-305.33-305.4~~ **Food Preparation**

During preparation ~~unPACKAGED FOOD shall~~, unpackaged food must be protected from environmental sources of contamination.

3-306 Preventing Contamination by Consumers

3-306.1 ~~3-306.11~~ Food Display

~~FOOD on display shall be protected from CONTAMINATION by the use of packaging, counter service line, or salad bar FOOD/sneeze guards, display cases, or other effective means except that such protection is not required~~
Except for nuts in the shell, and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display must be protected from contamination by the use of:

~~3-306.12~~ **CONDIMENT**

(A) Packaging,

(B) Food shields that meet the NSF/ANSI 2 standard,

(C) Counters with a horizontal setback of no less than 24 inches,

(D) Enclosed display cases,

(E) Scupper drains where open ice bins are installed,

(F) Drink rails at bar tops used for dining and open food is stored below, or

(G) Other effective means.

3-306.2 Condiments, Protection

~~CONDIMENTS shall~~

(A) Condiments must be protected from contamination by being kept in dispensers that are designed to provide protection ~~including but not limited to,~~ protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions. ~~Commercially PACKAGED CONDIMENT containers are for single service and shall not be refilled.~~

~~3-306.13~~

(B) Condiments at a vending machine location must be in individual packages or provided in dispensers that are filled at an approved location, such as the food establishment that provides food to the vending machine location, a food processing plant, or a properly equipped facility that is located on the site of the vending machine location.

3-306.3 Consumer Self-Service Operations.

(A) Raw, unpackaged animal food ~~including but not limited to, such as~~ beef, lamb, pork, poultry, and fish ~~shall~~ must not be offered for consumer self-service. This paragraph does not apply to:

(1) Consumer self-service of ready-to-eat FOOD ~~foods~~ at buffets or salad bars that serve FOOD ~~including but not limited to~~ foods such as sushi or raw SHELLSTOCK ~~shellfish~~,

(2) Ready-to-cook FOOD ~~in~~ individual portions, for immediate cooking and consumption on the premises, ~~including but not limited to such as~~ consumer-cooked MEAT, meats or consumer-selected ingredients for Mongolian barbecue, ~~or~~

- (3) Raw, frozen, shell-on shrimp, or lobster.
- (B) Consumer self-service operations for ready-to-eat ~~FOOD shall~~ **foods must** be provided with suitable utensils or effective dispensing methods that protect the food from contamination.
- (C) Consumer self-service operations ~~including but not limited to, such as~~ buffets and salad bars ~~shall, must~~ be monitored by food handlers trained in safe ~~FOOD handling~~ **operating** procedures.
- (D) A sign ~~shall~~ **must** be conspicuously posted to notify consumers to use a clean plate ~~or container~~ each time they serve themselves. The sign must also state that no eating is allowed while self-serving food and that consumers ~~shall~~ **must** only use the utensils provided ~~for handling to handle~~ the food.

3-306.4 ~~3-306.14~~ **Returned Food and Re-Service of Food**

- (A) ~~Except as specified in ¶ (B) of this section,~~ after being served or sold, and in the possession of a consumer, food that is unused or returned by the consumer ~~may~~ **must** not be ~~used, sold,~~ offered ~~as FOOD or displayed for human consumption, except sale, or served.~~
- ~~(A)~~ **(B)** ~~Except as specified under ¶ 3-801(G),~~ a container of food that is ~~non-POTENTIALLY HAZARDOUS~~ **not TCS food** may be ~~transferred~~ **re-served** from one consumer to another if:
 - (1) The food is dispensed so that it is protected from contamination, and the container ~~including but not limited to is closed between uses, such as~~ a narrow-neck bottle containing ~~ketchup catsup,~~ steak sauce, or wine ~~is closed between uses, or~~
 - (2) The food ~~including but not limited to, such as~~ crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.

3-307 **Preventing Contamination from ~~Other Sources~~ 3-307.11 Miscellaneous Sources of Contamination**
~~FOOD shall not be prepared or stored in unAPPROVED areas of the FOOD ESTABLISHMENT. FOOD shall~~
Food must be protected from contamination that may result from a factor or source not specified ~~in Sections under~~
~~Subparts 3-301 through 3-306.~~

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

~~3-401~~ **Cooking**
~~3-401.1~~ **Raw Animal Foods**

~~Except as specified under ¶ (B) and in ¶¶ (C) and (D) of this Chapter including but not limited to infant or child care in or through FOOD preparation areas, storage of employee clothing and personal effects, and FOOD preparation in dining rooms.~~

~~3-401~~ **Cooking**

~~3-401.11~~ **Raw Animal FOOD** — This Section mirrors the Food Code

- (A) ~~Unless requested by a customer, and unless a CONSUMER advisory is properly posted~~ **section,** raw animal ~~FOOD including but not limited to~~ **foods such as** eggs, fish, meat, poultry, and ~~FOOD~~ **foods** containing these raw

animal ~~FOOD shall~~foods, must be cooked to heat all parts of the food to a temperature and for ~~the time as listed below~~ a time that complies with one of the following methods based on the food that is being cooked:

(1) 145 °F (63 °C) or above for 15 seconds for:

- (a) Raw eggs that are broken and prepared in response to a consumer's order and for immediate service, and
- (b) Except as specified under Subparagraphs (A)(2) and (A)(3) and ¶ (B), and in ¶ (C) of this section, fish and intact meat including game animals commercially raised for food as specified under Subparagraph 3-201.7(A)(2).

(2) 155 °F (68 °C) for 17 seconds or the temperature specified in the following chart that corresponds to the holding time for ratites, mechanically tenderized, and injected meats; the following if they are comminuted: fish, meat, game animals commercially raised for food as specified under Subparagraph 3-201.7(A)(1), and game animals under an inspection program as specified under Subparagraph 3-201.7(A)(2); and raw eggs that are not prepared as specified under Subparagraph (A)(1)(a) of this section:

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

.or

(3) 165 °F (75 °C) or above for <1 second (instantaneous) for poultry, baluts, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, poultry, or ratites.

(B) Whole meat roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham must be cooked:

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

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

¹ Holding time may include post oven heat rise.

.and

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

Oven Temperature Based on Roast Weight

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

¹ Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100% humidity.

- ~~(1) Raw animal FOOD, including but not limited to POULTRY and BALUTs shall be cooked to at least 165°F±2° for at least 15 seconds, except:

 - ~~(a) COMMINUTED and ground MEAT including but not limited to hamburger, shall be cooked to at least 155°F±2° for at least 15 seconds.~~
 - ~~(b) COMMINUTED FISH products, COMMINUTED commercially raised GAME ANIMALS and RABBITs shall be cooked to at least 155°F±2° for at least 15 seconds.~~
 - ~~(c) INJECTED and MECHANICALLY TENDERIZED MEAT, shall be cooked to at least 155°F±2° for at least 15 seconds.~~
 - ~~(d) Raw EGGS, not cooked for immediate use, shall be cooked to at least 155°F±2° for at least 15 seconds.~~
 - ~~(e) Raw EGGS, cooked for immediate service, shall be cooked to at least 145°F±2° for at least 15 seconds.~~
 - ~~(f) FISH, seafood, and MEAT including commercially raised GAME ANIMALS, shall be cooked to at least 145°F±2° for at least 15 seconds.~~~~
- ~~(2) Stuffed FOOD shall be cooked to at least 165°F±2° for at least 15 seconds.~~
- ~~(B) Whole beef roasts, corned beef roasts, pork roasts, and cured pork roasts, including but not limited to ham, shall be cooked in a pre-heated oven and to an internal temperature of 145°F±2°, or held at 130°F±2° for at least 112 minutes, or to a temperature as provided in the guidance document provided in Appendix C.~~
- ~~(C) Raw animal FOOD not listed above shall be cooked to the required temperature as specified by the current FOOD code.~~
- ~~(D) 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 brochures, labels, table tents, placards, deli case or menu advisories, or other effective written means of the significantly increased RISK associated with consumption by certain vulnerable CONSUMERS. Such FOOD shall be marked by an asterisk or described on the menu. This Section does not apply to APPROVED smoked or cured animal FOOD. The following language will satisfy the CONSUMER advisory requirement: "Thoroughly cooking FOOD of animal origin, including but not limited to beef, EGGS, FISH, lamb, milk, POULTRY, or SHELLSTOCK reduces the RISK of FOOD BORNE ILLNESS. Young children, the elderly, and individuals with certain health conditions may be at a higher RISK if these FOODs are consumed raw or undercooked."~~

~~3-401.12~~

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

- (1) The food establishment serves a population that is not a highly susceptible population,
- (2) The steak is labeled to indicate that it meets the definition of whole-muscle, intact beef as specified under ¶ 3-201.1(E), and
- (3) The steak is cooked on both the top and bottom to a surface temperature of 145 °F (63 °C) or above and a cooked color change is achieved on all external surfaces.

(D) A raw animal food such as raw eggs, raw fish, raw-marinated fish, raw molluscan shellfish, or steak tartare; or a partially-cooked food such as lightly-cooked fish, soft-cooked eggs, or rare meat other than whole-muscle, intact beef steaks as specified in ¶ (C) of this section, may be sold or served upon consumer request or selection in a ready-to-eat form only when:

(1) As specified under ¶¶ 3-801(C)(1) and (2), the food establishment serves a population that is not a highly susceptible population,

(2) The food, if offered for sale or service by consumer selection from a children's menu, does not contain comminuted meat

(3) The consumer is informed as specified under § 3-603 that to ensure its safety, the food should be cooked as specified under ¶ (A) or (B) of this section, and

(4) The Health Authority grants a waiver from ¶ (A) or (B) of this section as specified in § 8-103.1 based on a HACCP plan that:

(a) Is submitted by the permit holder and approved as specified under § 8-103.2,

(b) Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe food, and

(c) Verifies that equipment and procedures for food preparation and training of food handlers at the food establishment meet the conditions of the waiver.

3-401.13-401.2 Microwave Cooking

Raw animal ~~FOOD~~foods cooked in a microwave oven ~~shall~~must be:

(A) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution ~~of heat,~~

(B) Covered to retain surface moisture ~~;~~

(C) Heated to a temperature of at least 165 °F ~~±2°~~ (74 °C) in all parts of the food ~~;~~ and

(D) Allowed to stand covered for two minutes after cooking to obtain temperature equilibrium.

3-401.23-401.3 ~~3-401.13~~ Plant Food Cooking for Hot Holding

~~Fruits and vegetables~~

~~Plant foods that are cooked for hot holding shall must be cooked to a temperature of 135 °F±2° (57 °C).~~

~~3-402~~

~~3-401.4 Non-Continuous Cooking of Raw Animal Foods~~

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

- ~~(A) Subject to an initial heating process that is no longer than 60 minutes in duration,~~
- ~~(B) Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked TCS food under ¶ 3-501.4(A),~~
- ~~(C) After cooling, held frozen or cold, as specified for TCS food under ¶ 3-501.6(A)(2),~~
- ~~(D) Prior to sale or service, cooked using a process that heats all parts of the food to a temperature and for a time as specified under ¶¶ 3-401.1 (A)-(C),~~
- ~~(E) Cooled according to the time and temperature parameters specified for cooked TCS food under ¶ 3-501.4(A) if not either hot held as specified under ¶ 3-501.6(A), served immediately, or held using time as a public health control as specified under § 3-501.9 after complete cooking, and~~
- ~~(F) Prepared and stored according to written procedures that:
 - ~~(1) Are approved,~~
 - ~~(2) Are maintained in the food establishment and available to the Health Authority upon request,~~
 - ~~(3) Describe how the requirements specified under ¶ (A)-(E) of this section are monitored and documented by the permit holder and the corrective action to be taken by the food establishment if the requirements are not met,~~
 - ~~(4) Describe how the foods, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as foods that must be cooked as specified under ¶ (D) of this section prior to being sold, offered or displayed for sale, or service, and~~
 - ~~(5) Describe how the foods, after initial heating but prior to cooking as specified under ¶ (D) of this section, are to be separated from ready-to-eat foods as specified under ¶ 3-302.1 (A).~~~~

~~3-402 Freezing~~

~~3-402.1 ~~3-402.11~~ Parasite Destruction~~

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

~~(1) MOLLUSCAN SHELLSTOCK.~~

(1) Molluscan shellstock.

(2) A scallop product consisting only of the shucked adductor muscle.

(3) Tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern), or

(2) Aquaculture raised FISH including but not limited to salmon if:

(4) Aquacultured fish, such as salmon, that:

- (a) If raised in open water, or, are raised in net-pens, or
- (b) Are raised in land-based operations including but not limited to such as ponds or tanks, and
- (c) Are fed formulated feed, including but not limited to such as pellets, which contain that contains no live parasites infective to the aquacultured fish.

~~3-402.12~~

(5) Fish eggs that have been removed from the skein and rinsed.

3-402.2 Records, Creation and Retention

- (A) Except as specified in ~~Paragraph 3-402.11(B) and 1~~ (B) of this Chapter, section, if raw, raw-marinated, partially cooked, or marinated-partially cooked fish, that are served or sold in ready-to-eat form, the ~~PERSON IN CHARGE shall~~ PIC must record the freezing temperature and time to which the fish ~~were~~ are subjected, and ~~shall~~ must retain the records ~~at~~ of the food establishment for 90 calendar days beyond the time of service or sale of the fish.
- (B) If the fish are frozen ~~solid~~ by a supplier, a written ~~agreement or~~ statement from the supplier stipulating that the fish supplied ~~were~~ are frozen ~~solid~~ to a temperature, and for a time ~~as specified in Chapter under 3-402.11 of this Chapter, 1~~ may substitute for the records ~~as specified in Paragraph under 1~~ (A) of this section.
- (C) If raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, and the fish were raised and fed as specified in ~~Paragraph Subparagraph 3-402.11-1(B) (3) of this Chapter, (4),~~ a written agreement or statement from the supplier or aquaculturist stipulating that the fish were raised and fed as specified in ~~Paragraph Subparagraph 3-402.11-1(B) (3) of this Chapter, shall~~ (4) must be obtained by the ~~PERSON IN CHARGE~~ PIC and retained at the food establishment for 90 calendar days beyond the time of service or sale of the fish.

3-402.3 ~~3-402.13~~ Preparation for Immediate Service

Cooked and refrigerated food ~~which that~~ is prepared for immediate service in response to an individual consumer order, ~~including but not limited to such as~~ a roast beef sandwich au jus, may be served at any temperature.

~~3-403~~ Reheating

3-403 ~~3-403.11~~ Reheating for Hot Holding

- (A) Except as specified in ~~Paragraphs under 1 (B), (C), and (C) and in 1 (E)~~ (B), (C), and (E) of this section, ~~PHF (TCS) food~~ that is cooked, cooled, and reheated for hot holding ~~shall~~ must be ~~reheated~~ heated so that all parts of the food reach a temperature of at least 165 °F ~~±2°~~ (74 °C) for 15 seconds.
- (B) Except as specified in ~~Paragraph under 1 (C)~~ (C) of this section, ~~PHF (TCS) that is food~~ reheated in a microwave oven for hot holding, ~~shall~~ must be heated so that all parts of the food reach a temperature of at least 165

~~°F ±2°. The FOOD shall be (74 °C) and the food is~~ rotated or stirred, covered, and allowed to stand covered for two minutes after reheating.

~~READY TO EAT FOOD taken from a~~

- (C) ~~Ready-to-eat TCS food that has been~~ commercially processed, ~~HERMETICALLY SEALED CONTAINER, or from an intact package from and packaged in~~ a food processing ~~ESTABLISHMENT plant~~ that is inspected by the ~~HEALTH AUTHORITY having regulatory authority that has~~ jurisdiction over the ~~ESTABLISHMENT, shall plant, must~~ be heated to a temperature of at least 135 °F ~~±2° (57 °C) when being reheated~~ for hot holding.
- (D) Reheating for hot holding, as specified ~~in Paragraphs under ¶¶ (A), (B), and (C) of this section, shall must~~ be done rapidly ~~with and~~ the time the food is between ~~41 °F (5 °C) and the temperature temperatures~~ specified ~~in Paragraphs under ¶¶ (A), (B), and (C) of this section must not to~~ exceed two hours.
- (E) Remaining unsliced portions of ~~MEAT meat~~ roasts, ~~that are cooked as specified in Paragraph under ¶ 3-401.11-1(B) of this Chapter,~~ may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified ~~in Paragraph under ¶ 3-401.11-1(B) of this Chapter.~~

~~3-404 Other Methods~~

~~3-404~~ ~~3-404.11~~ ~~—~~ Treating Juice

~~JUICE processed and~~

Juice packaged in a food establishment ~~shall~~ must be:

(A) Treated under an approved HACCP plan as specified in ~~Chapter 4-101.4-101.14 and Chapter 4-101.15 to attain a 5-log reduction of these Regulations or as APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION~~ most resistant microorganism of public health significance; or

Commented [CS28]: Comment: Clarification requested on when HACCP plans are required to be approved vs. submitted

~~(A) Labeled,~~ If not treated to yield a 5-log reduction of the most resistant microorganism of public health significance ~~shall be,~~ labeled as:

~~(1) Specified in Paragraph specified under § 3-602.11 of this Chapter.~~

(B) 1, and as specified in 21 CFR 101.17(g) of Food labeling, warning, notice, and safe handling statements. Juices that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens shall be labeled as follows: with the following, "WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems."":

~~3-501~~

~~(1) As specified under §3-602.1 and~~

Commented [CS29]: This was improperly formatted

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

Commented [CS30R29]: Corrected reference from 3-602.11 to 3-602.1

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

~~3-501~~ ~~3-501.11~~ ~~—~~ ~~FROZEN FOOD~~ ~~3-501.1~~ ~~—~~ ~~Frozen Food~~

~~3-501.11~~ ~~FROZEN FOOD~~
~~3-501.1~~ ~~Frozen Food~~

Stored frozen ~~FOOD shall~~ foods must be maintained frozen ~~solid.~~

~~3-501.12~~ ~~POTENTIALLY HAZARDOUS FOOD (TCS), SLACKING~~

~~3-501.2~~ ~~TCS Food, Slacking~~

Frozen ~~PHF (TCS) food~~ that is slacked to moderate ~~shall~~ the temperature must be held:

(A) Under refrigeration that maintains the food temperature at 41 °F ±2° (5 °C) or below, ~~or~~

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

~~3-501.13-501.3~~ ~~3-501.13~~ ~~—~~ ~~Thawing~~

~~FROZEN PHF (~~

~~Except as specified in ¶ (D) of this section, TCS) shall~~ food must be thawed ~~by one of the following methods:~~

(A) Under refrigeration ~~or conditions that maintain~~ maintains the food temperature at 41 °F ±2° (5 °C) or below, ~~or~~

(B) Completely submerged under running water ~~having:~~

- (1) At a water temperature of 70 °F (21 °C) or below,
- (2) With sufficient water velocity to agitate and float off loose particles in an overflow ~~without allowing,~~
and
- (3) For a period of time that does not allow thawed portions of ready-to-eat food to rise above 41 °F $\pm 2^\circ$ (5 °C), or
- (4) For a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified under ¶ 3-401.1(A) or (B) to be above 41 °F (5 °C), for more than four hours ~~including:~~
 - (a) The time the food is exposed to the running water and the time needed for preparation for cooking, or
 - (b) The time it takes under refrigeration to lower the food temperature to 41 °F (5 °C).

(C) As part of a cooking process if the food that is frozen is:

- (1) Cooked as specified under ¶¶ 3-401.1(A) or (B) or § 3-401.2, or
- ~~(A) Thawed in a microwave oven, if the FOOD will be and immediately transferred to a convention cooking process, as part of a continuous operation or where the entire uninterrupted cooking process takes place in the microwave oven.~~
- ~~(B) Under conditions that do not allow any portion of the FOOD to be above 41°F $\pm 2^\circ$ for more than four hours, with temperature logs verifying compliance.~~
- (2) As part of the conventional cooking ~~process equipment; or~~

(D) Using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.

3-501.3.1 Thawing Reduced Oxygen Packaged Fish

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

- (A) Prior to its thawing under refrigeration as specified in ¶ (A) of section ~~3-501.44-3,~~ or
- (B) Prior to, or immediately upon completion of, its thawing using procedures specified in ¶ (B) of section ~~3-501.3.~~

3-501.23-501.4 Cooling

- ~~(A) Any hot FOOD may be cooled at ambient air temperature until it drops to 135°F $\pm 2^\circ$.~~
- ~~(B) Cooked PHF (TCS) shall be cooled:~~

(A) Cooked TCS food must be cooled:

- (1) Within two hours from 135 °F $\pm 2^\circ$ (57 °C) to 70 °F $\pm 2^\circ$ (21 °C), and,
 - (2) Within a total of six hours from 135 °F (57 °C) to 41 °F (5 °C) or below.
- ~~(1) TCS food must be cooled within four hours from 70°F $\pm 2^\circ$ to 41 °F $\pm 2^\circ$.~~

~~(B)~~ (5 °C) or below if prepared from ingredients at ambient temperature. ~~PHF (TCS) shall, such as reconstituted foods and canned tuna.~~

~~(B)(C)~~ Except as specified under ¶ (D) of this section, a TCS food received in compliance with laws allowing a temperature above 41 °F (5 °C) during shipment from the supplier as specified in ¶ 3-202.1(B), must be cooled within four hours to 41 °F ±2°, (5 °C) or below. ~~READY-TO-EAT PHF (TCS) shall be prepared from chilled ingredients.~~

~~(C)(D)~~ Raw fresh whole shell EGGS shall eggs must be received as specified under ¶ 3-202.1(C) and stored immediately placed in refrigerated equipment that maintains an ambient air temperature of 45°±2° °F (7 °C) or less below.

~~(C) — Cut leafy greens shall be received and stored in refrigerated EQUIPMENT that maintains an ambient air temperature of 41°±2° or less.~~

~~3-501.3-501.5~~ ~~3-501.15~~ — Cooling Methods

(A) Cooling shall must be accomplished in accordance with the time and temperature criteria specified in ~~Section under § 3-501.14 of this Chapter, 4~~ by using one or more of the following methods depending based on the type of food being cooled:

- (1) Placing the food in shallow pans ~~or trays.~~
- (2) Separating the food into smaller or thinner portions.
- (3) Using rapid cooling equipment ~~such as blast chillers.~~
- (4) Stirring the food in a container placed in an ice ~~-water bath.~~
- (5) Using containers that facilitate heat transfer.
- (6) Adding ice as an ingredient, ~~or~~
- (7) Other effective methods ~~as APPROVED by the HEALTH AUTHORITY.~~

~~if~~ (B) When placed in cooling or cold holding equipment, food containers in which food is being cooled shall must be:

- (1) Arranged in the equipment to provide maximum heat transfer through the container walls, ~~and~~
- (2) Loosely covered or uncovered if protected from overhead contamination, as specified in ~~Paragraph under Subparagraph 3-305.11-1 (A)-(2) of this Chapter,~~ during the cooling period to facilitate heat transfer from the surface of the food.

~~3-501.43-501.6~~ ~~3-501.16~~ — POTENTIALLY HAZARDOUS FOOD (TCS), Food, Hot and Cold Holding

Except during active preparation, cooking, or cooling, or when time is used as the means of public health control, ~~PHF~~

(A) ~~(TCS) shall be maintained at 135°F±2° or above, or at 41°F±2° or below, as specified under § 3-501.9, and except as specified under ¶ (B) — (D) of this section, TCS food must be maintained:~~

~~Roast beef that is properly~~

- (1) At 135 °F (57 °C) or above, except roasts cooked to a temperature and for a time specified in ¶ 3-401.1(B) or reheated shall as specified in ¶ 3-403.1(E) may be held at a temperature of 130 °F (54 °C) or above, ~~or~~
- (2) At 41 °F (5 °C) or below.

~~(B)~~ Raw shell eggs must be stored in refrigerated equipment that maintains an ambient air temperature of 45 °F (7 °C) or below.

~~(B)(C)~~ TCS food in a homogenous liquid form may be maintained at 130°F±2° or above for 112 minutes, outside of the temperature control requirements, as specified under ¶ (A) of this section, while contained within specially designed equipment that complies with the design and construction requirements specified under ¶ 4-204.3(E).

~~(C)(D)~~ TCS food that is held cold between 42 °F — 45 °F must be served, cooked ~~or~~ served, or discarded within 7224 hours after the time when its temperature is between 41°F±2° to 45°F±2°. FOOD shall ~~and must~~ be labeled with the appropriate expiration date and time.

~~(A)~~ Cut melons shall be maintained at 41°F±2° or below.

~~(B)~~ Reduced oxygen PACKAGED raw FOOD shall be maintained at 41°F±2°, or below. Fresh FISH is prohibited from REDUCED-OXYGEN PACKAGING.

~~3-501.17~~ READY TO EAT POTENTIALLY HAZARDOUS FOOD (TCS)

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

(A) Except when packaging food using a reduced oxygen packaging method, as specified in Paragraph under § 3-502.12 of this Chapter 2, and except as specified in Paragraphs ~~(D), ¶ (E) and (F)~~ of this section, refrigerated READY TO EAT, PHF (~~ready-to-eat~~, TCS) food prepared and held in a food establishment for more than 24 hours, shall ~~must~~ be clearly marked to indicate the date or day by which the food shall ~~must~~ be consumed on the premises, sold, or discarded ~~within when held at a temperature of 41 °F (5 °C) or below for~~ a maximum of seven calendar days from preparation, if held at 41°F±2° or below. The day of preparation shall ~~must~~ be counted as day one.

~~(B)~~ Except as specified in Paragraphs ~~(D), ¶ (E), and (F) — (G)~~ of this section, refrigerated READY TO EAT, PHF (~~ready-to-eat~~, TCS) food prepared and packaged by a food processing ESTABLISHMENT shall ~~plant must~~ be clearly marked ~~to show, at~~ the date and time when the original container ~~was~~ opened in a food establishment, and if the food is held for more than 24 hours, to indicate the date or day by which the food shall ~~must~~ be consumed on the premises, sold, or discarded, based on the temperature and time combinations, ~~as specified in Paragraph ¶ (A) of this section — and:~~

~~(1)~~ The day ~~or date~~ the original container ~~was~~ opened in the food establishment shall ~~must~~ be counted as day one, ~~with a discard date of day seven, except that and~~

~~(1)(2)~~ The day or date marked by the food establishment shall ~~must~~ not exceed a manufacturer's "use-by" date, if the manufacturer determined the "use-by" date based on food safety.

~~(B)(C)~~ A refrigerated, ready-to-eat PHF (TCS) food ingredient or a portion of a refrigerated, ready-to-eat PHF (~~ready-to-eat~~, TCS) food that is subsequently combined with additional ingredients or portions of food shall ~~must~~ retain the date marking of the earliest prepared or first prepared ingredient.

~~(C)(D)~~ A date marking system that meets the requirements/criteria stated in Paragraphs ~~¶ (A) and (B)~~ of this section may include:

(1) Using ~~an approved~~ method APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION for refrigerated, ready-to-eat PHF (TCS) food that is frequently ~~re-wrapped including but not limited to luncheon MEAT, rewrapped, such as lunchmeat~~ or a roast, or for which date marking is impractical ~~including but not limited to, such as~~ soft-serve mix, or milk in a dispensing machine.

Commented [CS31]: Comment:
45 F should be allowed for items that turnover quickly otherwise it will be a big burden on industry.

Comment:
Would like 45F for 12 hours to mirror CalCode and Bruce Tompkins study. Want it to be done by requiring a SOP instead of time stamps.

Commented [CS32R31]: Added

- (2) Marking the ~~container with the~~ date or day of preparation, in combination with a procedure to discard the food on or before the last date or day by which the food ~~shall~~must be consumed on the premises, sold, or discarded as specified ~~in Paragraph under ¶~~ (A) of this section~~.~~
- (3) Marking the date or day ~~when~~ the original container is opened in a food establishment, in combination with a procedure to discard the food on or before the last date or day by which the food ~~shall~~must be consumed on the premises, sold, or discarded as specified ~~in Paragraph under ¶~~ (B) of this section~~.~~or
- (4) Using calendar dates, days of the week, color-coded ~~markings~~marks, or other effective marking methods~~,~~ provided that the marking system is disclosed to the Health Authority upon request.

Paragraphs

~~(D)(E)~~ ¶ (A) and (B) of this section do not apply to individual meal portions served or re-packaged for sale from a bulk container upon a consumer's request ~~by the CONSUMER.~~

~~(F)~~ Paragraph ¶ (A) and (B) of this section do not apply to shellstock.

~~(E)(G)~~ ¶ (B) of this section does not apply to the following FOOD~~foods~~ prepared and packaged by a food processing ESTABLISHMENT and plant inspected by the HEALTH AUTHORITY or other a Regulatory Authority:

- (1) Deli salads ~~including but not limited to, such as~~ ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad~~,~~ manufactured in accordance with 21 CFR 110~~,~~ *Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food.*
- (2) Hard cheeses containing not more than 39% moisture~~,~~ as defined in 21 CFR 133~~,~~ *Cheeses and Related Cheese Products,* such as cheddar, gruyere, parmesan~~,~~ *Reggiano,* and *Romano, reggiano, and romano,*
- (3) Semi-soft ~~cheese~~cheeses containing more than 39% moisture, but ~~no~~not more than 50% moisture, as defined in 21 CFR 133~~,~~ *Cheeses and Related Cheese Products,* such as blue, edam, gorgonzola, gouda, and monterey jack~~.~~
- (4) Cultured dairy products as defined in 21 CFR 131~~,~~ *Milk and Cream,* such as yogurt, sour cream~~,~~ and buttermilk~~.~~
- (5) Preserved fish products ~~including but not limited to, such as~~ pickled herring~~,~~ and dried or salted cod, and other acidified fish products ~~as~~ defined in 21 CFR 114~~,~~ *Acidified ~~Food-Foods.~~*
- (6) Shelf stable~~,~~ dry fermented sausages ~~including but not limited to, such as~~ pepperoni and Genoa-salami ~~that are not labeled "Keep Refrigerated" as specified in 9 CFR 317, Labeling, Marking Devices, and Containers, and which retain the original CASING on the product, and~~
- (7) Shelf stable salt-cured products ~~including but not limited to such as~~ prosciutto and Parma (ham) ~~that are not labeled "Keep Refrigerated" as specified in 9 CFR 317, Labeling, Marking Devices, and Container.~~

~~3-501.18~~ READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD {

~~3-501.53-501.8~~ Ready-to-Eat, TCS, Food, Disposition

~~FOOD as~~

(A) A food specified in Paragraph ¶ 3-501.17-7(A) of this Chapter ~~shall~~or (B) must be discarded if it:

- (1) Exceeds ~~either~~ the temperature and time ~~combinations as~~ combination specified in Section ¶ 3-501.17-7(A) of this Chapter~~, excluding any), except~~ time that the product ~~remains~~is frozen~~.~~

- (2) Is in a container or package that does not bear a date or day, ~~or~~
- (3) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in ~~Paragraph~~ ¶ 3-501.17-7(A) of this Chapter.

~~(B) Refrigerated, ready-to-eat, TCS food prepared in a food establishment and dispensed through a vending machine with an automatic shutoff control must be discarded if it exceeds a temperature and time combination as specified in ¶ 3-501.19-7(A).~~

~~3-501.63-501.9~~ Time as a Public Health Control

~~if time only-~~

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

~~(1) Written procedures, using time as a means of public health control, shall be must be prepared in advance, maintained in the food establishment, and made available to the Health Authority upon request. These, and~~

~~(1)(2) Written procedures shall include: must specify:~~

(a) Methods of compliance with ~~Paragraphs Subparagraphs (B)-(1), (B)-(2), and (B)-(3) or Paragraphs (C)-(1), (C)-(2), (C)-(3), (C)-(4), and (C)-(5) of this section, and~~

(b) Methods of compliance with ~~Paragraph~~ § 3-501.14 of this Chapter for food that is prepared, cooked, and refrigerated before time is used as a ~~means of public health control.~~

~~(B) If time without temperature control is used as the public health control, up to a maximum of four hours: if time only, rather than time-~~

~~(A) Except as specified in conjunction with temperature control up to a maximum of four hours, is used as ¶(B)(2), the means of public health control:~~

(1) ~~The FOOD shall food must have an initial temperature of 41 °F ±2° (5 °C) or below less when removed from cold holding temperature control, or 135 °F ±2° (57 °C) or above greater when removed from hot holding temperature control.~~

~~(2) The food may have an initial temperature of 21 °C (70 °F) or below if:~~

(a) ~~It is a ready-to-eat fruit or vegetable that upon cutting is rendered a TCS food as defined in ¶1-201.10(B), or~~

(b) ~~It is a ready-to-eat hermetically sealed food that upon opening is rendered a TCS food a defined in ¶1-201.10(B).~~

(c) ~~The food shall be temperature does not exceed 21 °C (70 °F) within a maximum time period of 4 hours from the time it was rendered a TCS food; and~~

(d) ~~The food is marked, or otherwise identified, to indicate the time that is 4 hours past the point in time when the food is rendered a TCS food as specified in sub¶'s (B)(2)(a) and (b) of this section.~~

~~(2)(3) The food must be marked or otherwise identified to indicate the time that is four (4) hours past the point in time when the food is removed from temperature control.~~

~~(3)(4) The food shall must be cooked and served, or served at any temperature if ready-to-eat, or discarded, within four (4) hours from the time when the FOOD was removed from the point in time when the food is removed from temperature control; and~~

~~(4)~~(5) The food ~~shall be discarded if it is~~ in unmarked containers or packages, or marked to exceed a four- ~~(4)~~ hour limit, ~~must be discarded.~~

(C) If time ~~only, rather than time in conjunction with~~ ~~without~~ temperature control ~~is used as the public health control~~ up to a maximum of six hours, ~~is used as the means of public health control:~~

- (1) The food ~~shall~~ ~~must~~ have an initial temperature of 41 °F ~~±2° (5 °C)~~ or below when removed from temperature control and the food temperature ~~may~~ ~~must~~ not exceed 70 °F ~~±2° (21 °C)~~ within a ~~maximum time period of six-hour maximum time period.~~ ~~hours.~~
- (2) The food ~~shall~~ ~~must~~ be monitored to ensure ~~that~~ the warmest portion of the food does not exceed 70 °F ~~±2° (21 °C)~~ during the six -hour period, unless an ambient air temperature is maintained that ensures ~~that~~ the food ~~shall~~ ~~does~~ not exceed 70 °F ~~±2° (21 °C)~~ during the six -hour ~~hold~~ ~~holding~~ period.
- (3) The food ~~shall~~ ~~must~~ be marked or otherwise identified to indicate:
 - (a) The time when the food is removed from 41 °F ~~±2° (5 °C)~~ or below cold holding temperature control, ~~and~~
 - (b) The time that is six hours past the point in time when the food ~~was~~ removed from cold holding temperature control.
- (4) The food ~~shall~~ ~~must~~ be:
 - (a) Discarded if the temperature of the food ~~at any time during the six-hour period~~ exceeds 70 °F ~~±2° (21 °C)~~, ~~or~~
 - (b) Cooked and served, served at any temperature if ready-to-eat, or discarded within a maximum of six hours from the point in time when the food is removed from 41 °F ~~±2° (5 °C)~~ or below cold holding temperature control, ~~and~~

~~(5) The food in unmarked containers or packages, or marked with a time that exceeds the six-hour limit, must be discarded.~~

(D) A food establishment that serves a highly susceptible population ~~shall~~ ~~must~~ not use time as ~~a means~~ ~~of~~ ~~specified under ¶¶ (A), (B) or (C) of this section as the~~ public health control for raw eggs.

~~3-502~~ ~~3-502.1~~ ~~Specialized Processing Methods~~ ~~3-502.11~~ ~~WAIVER Requirements~~
~~3-502.1~~ ~~Waiver Requirement~~

A food establishment ~~shall~~ ~~must~~ obtain a waiver from the Health Authority as specified in ~~Chapter 4-101.13 of these Regulations prior to: § 8-103.1 and under § 8-103.2 before:~~

- (A) Smoking food as a method of food preservation rather than as a method of flavor enhancement.
- (B) Curing food.
- (C) Using food additives or adding components: such as vinegar
 - (1) As a method of food preservation rather than as a method of flavor enhancement.
 - (2) To render a food so that it is not PHF (TCS) ~~food, or~~
 - (1) ~~Except the addition of vinegar to Sushi Rice as specified in the guidance document provided in Appendix D.~~

Commented [CS33]: Comment:
Will heavily impact businesses that use pH testing

Commented [CS34R33]: This applies only when the additive is used for preservation or to render as non-TCS or the additive has an upper limit.

Commented [CS35R33]: Added ability to do an exemption for certain common items and removed Pf designation

(3) The additive has an upper-limit or maximum-use concentration as specified in 21 CFR Parts 170-186 Food additive and GRAS regulations and are generally recognized as safe when used in accordance with good manufacturing practices.

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

Commented [CS36]: Updated the reference from 3-201.1(C)(1) to 3-502.1(C)(1) or (C)(2)

- (D) Packaging TCS food using a reduced oxygen packaging method, except ~~where a waiver is not required when~~ the growth of and toxin formation by *Clostridium botulinum* and the growth of *Listeria monocytogenes* are controlled as specified ~~in Section under § 3-502.12 of this Chapter 2,~~
- (E) Operating a molluscan shellstock life-support system display tank used to store or display shellstock that are offered for human consumption~~;~~
- (F) Custom processing animals that are for personal use as food and ~~not~~ are not sold, offered or displayed for sale, or service in a food establishment~~;~~ and

Commented [CS37]: Comment: HACCP is required for too many processes that did not require it previously

- ~~(B) Preparing FOOD by another method that is determined by the HEALTH AUTHORITY to require a WAIVER.~~
- (G) Sprouting of seeds or beans.
- ~~(C) Existing facilities currently utilizing any method as specified in A-L of this Section shall submit the required WAIVER, HACCP PLAN, all supporting information and pay applicable fees to the HEALTH AUTHORITY within two years of approval of these Regulations.~~

Commented [CS38R37]: Removed this paragraph and clarified HACCP in Chapter 8

3-502.13-502.2 3-502.12 Reduced Oxygen Packaging Without a Waiver, Criteria

- (A) Except for a food establishment~~;~~ that obtains a waiver as specified ~~in Section under § 3-502.11 of this Chapter 1,~~ a food establishment that packages PHF (TCS) food using a reduced oxygen packaging method ~~shall~~ must control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes*~~;~~ by:
- (B) Except as specified under ¶ (F) of this section, a food establishment that packages PHF (TCS) food using a reduced oxygen packaging method ~~shall have~~ must implement a HACCP plan that contains the information specified ~~in Chapter under ¶¶ 8-201.4-101.14 (C), (D), and Chapter 4 101.15 of these Regulations (E)~~ and that:
 - (1) Identifies the food to be packaged~~;~~
~~The PACKAGED FOOD shall~~
 - (2) Except as specified under ¶¶ (C)–(E) of this section, requires that the packaged food must be maintained at $41^{\circ}\text{F} \pm 2^{\circ} (5^{\circ}\text{C})$ or below and ~~shall~~ meet at least one of the following criteria:
 - (a) Has an a_w of 0.91 or less~~;~~
 - (b) Has a pH of 4.6 or ~~below~~ less.
 - (c) Is a meat or poultry product~~;~~ cured at a food processing ESTABLISHMENT plant regulated by the USDA using substances specified in 9 CFR 424.21, *Use of Food Ingredients and Sources of Radiation*, and is received in an intact package~~;~~ or
 - ~~(a)~~ —Is a food with a high level of competing organisms including but not limited to such as raw
 - (d) ~~MEAT or meat,~~ raw poultry~~;~~ or raw vegetables~~;~~
- (3) Describes how the package ~~shall~~ must be prominently and conspicuously labeled on the principal display panel in bold type, on a contrasting background, with instructions to:
 - (a) Maintain the food at $41^{\circ}\text{F} \pm 2^{\circ} (5^{\circ}\text{C})$ or below~~;~~ and

- (b) Discard the food if within 1430 calendar days of its packaging if it is not served for on-~~premise~~premises consumption, or consumed if served or sold for off-premises consumption~~;~~.

(4) Limits the refrigerated shelf life to no more than 1430 calendar days, from packaging to consumption, except the time the product is maintained frozen~~.~~ or the original manufacturer's "sell ~~-by-~~" or "use by" date, whichever occurs first~~.~~.

(4)(5) Includes operational procedures that:

- (a) Prohibit ~~bare hand contact~~contacting ready-to-eat food with ~~FOOD~~bare hands as specified under ¶ 3-301.1(B).
- (b) Identify a designated work area and the method by which:
 - ~~(i)~~ (i) Physical barriers or methods of separation of raw ~~FOOD~~foods and ready-to-eat ~~FOOD~~foods minimize cross-~~CONTAMINATION~~contamination, and
 - ~~(ii)~~ (ii) Access to the processing equipment is limited to responsible trained personnel familiar with the potential hazards of the operation~~;~~, and

~~(b)~~ (b) Delineate cleaning and sanitization procedures for food-contact surfaces.

~~(2)~~ (2) Describes the training program that ensures that the individual responsible for the ~~REDUCED OXYGEN PACKAGING~~ operation understands the:

~~(a)~~ (a) Concepts required for safe operations;

~~(c)~~ (c) ~~EQUIPMENT~~ and facilities;

~~(b)~~ (b) Procedures as specified in Paragraph (A) (5) of this Section and Chapter 4-101.15 (D) of these Regulations.

~~(B)~~ Existing facilities currently utilizing any method as specified in Paragraph A of this Section shall submit the required HACCP PLAN, all supporting information, and pay applicable fees to the REGULATORY AUTHORITY within two years of approval of these regulations.

~~3-502.13~~ REDUCED OXYGEN PACKAGING Requiring a WAIVER

~~A~~ A FOOD ESTABLISHMENT shall obtain a WAIVER as specified in Section 3-502.11 of this Chapter, if the FOOD ESTABLISHMENT packages PHF (TCS) using a REDUCED OXYGEN PACKAGING method listed below:

- ~~(A)~~ (A) FOOD ESTABLISHMENTS that package FOOD using a cook-chill or *sous vide* process shall obtain a WAIVER provided:
 - ~~(1)~~ (1) The FOOD ESTABLISHMENT implements a HACCP PLAN that contains the information as specified in Chapter 4-101.14 of these Regulations.
 - ~~(2)~~ (2) The FOOD is:
 - ~~(a)~~ (a) Prepared and consumed on the PREMISES, or prepared and consumed off the PREMISES, within the same business entity with no distribution or sale of the bagged product to another business entity or to the CONSUMER.
 - ~~(b)~~ (b) Cooked to heat all parts of the FOOD to a temperature and for a time as specified in Paragraph 3-401.11 of this Chapter.
 - ~~(c)~~ (c) Protected from CONTAMINATION after cooking as specified Section 3-3 of this Chapter.
 - ~~(d)~~ (d) Placed in a package or bag with an oxygen barrier before cooking, or placed in a package or bag immediately after cooking, and before temperature drops below 135°F±2°. A guidance document is provided in Appendix L.
 - ~~(e)~~ (e) Cooled to 41°F±2° in the package or bag as specified in Paragraph 3-501.14 of this Chapter, and subsequently:
 - ~~(i)~~ (i) Cooled to 34°F±2° or below within 48 hours of reaching 41°F±2°, and held at 34°F±2° and consumed or discarded within 30 days after the date of preparation and packaging;
 - ~~(ii)~~ (ii) If removed from a storage unit that maintains a 34°F±2° FOOD temperature, held

- at 41°F±2° or below for no more than 72 hours before consumption;
- ~~(iii) Cooled to 38°F±2° or less within 24 hours of reaching 41°F±2° and held there for no more than 72 hours from packaging, at which time the FOOD must be consumed or discarded; or~~
 - ~~(iv) Held frozen with no shelf life RESTRICTION while frozen until consumed or used.~~
 - ~~(f) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature, and is visually examined for proper operation twice daily.~~
 - ~~(g) Ensure that required times and temperatures are met and monitored during transportation if the product is transported off site to a satellite location of the same business entity, and equipped with verifiable electronic monitoring devices.~~
 - ~~(h) Labeled with the product name and the date PACKAGED.~~
- ~~(3) The records to confirm that cooling and cold holding refrigeration time/temperature parameters are as required by the HACCP PLAN, and that these records are maintained and made available to the HEALTH AUTHORITY upon request and held for six months.~~

- (4) ~~Written operational procedures as specified in Paragraph (B) (5) of this Section, and a training program as specified in Paragraph (B) (6) of this Section.~~
- ~~(B) A FOOD ESTABLISHMENT that packages cheese using a REDUCED OXYGEN PACKAGING method shall obtain a WAIVER if it:~~
- ~~(1) Limits the cheeses PACKAGED to those that are commercially manufactured in a FOOD PROCESSING ESTABLISHMENT with no ingredients added in the FOOD ESTABLISHMENT and that meet 21 CFR 133.15 Standards of Identity Hard Cheeses, CFR 133.169 Standards of Identity Pasteurized Process Cheese, or CFR 133.187 Standards of Identity Semi-Soft Cheeses.~~
- ~~(2) Has a HACCP PLAN that contains the information specified in Chapter 4 101.15 (D) of these Regulations.~~
- ~~(3) Identifies the FOOD to be PACKAGED.~~
- ~~(4) Describes how the package shall be prominently and conspicuously labeled on the principal display panel in bold type, on a contrasting background, with instructions to:~~
- ~~(a) Maintain the FOOD at 41°F±2° or below~~
- ~~(5) Includes operational procedures that:~~
- ~~(a) Prohibit bare hand contact with FOOD.~~
- ~~(b) Identify a designated work area and the method by which:~~
- ~~(i) Physical barriers or methods of separation of raw FOOD and READY TO EAT FOOD minimize CROSS-CONTAMINATION.~~
- ~~(ii) Access to the processing EQUIPMENT is limited to responsible trained PERSONNEL familiar with the potential HAZARDS of the operation.~~
- ~~(c) Delineate cleaning and SANITIZATION procedures for FOOD CONTACT SURFACES.~~
- ~~(5)(6) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the :~~
- ~~(a) Concepts required for a safe operations operation,~~
- ~~(b) Equipment and facilities, and~~
- ~~(c) Procedures as specified in Paragraph (A) (under Subparagraph (B)(5) of this Section section and Chapter 8-201.4 101.15 (C) and (E).~~
- ~~(7) Is provided to the Health Authority prior to implementation as specified under ¶ 8- 201.3(B).~~
- ~~(C) Except for fish that is frozen before, during, and after packaging and bears a label indicating that it is to be kept frozen until time of use, a food establishment must not package fish using a reduced oxygen packaging method.~~
- ~~(D) Except as specified under ¶ (C) and ¶ (F) of this section, a food establishment that packages TCS food using a cook-chill or sous vide process must:~~
- ~~(1) Provide a HACCP plan that contains the information as specified under ¶¶ 8-201.4(C), (D), and (E) to the Health Authority prior to implementation,~~
- ~~(2) Ensure the food is:~~
- ~~(a) Prepared and consumed on the premises or prepared and consumed off the premises with no distribution or sales of package product to another business entity or the consumer,~~
- ~~(b) Cooked to heat all parts of the food to a temperature and for a time as specified under ¶¶ 3-401.1(A), (B), and (C),~~
- ~~(c) Protected from contamination before and after cooking as specified under Parts 3-3 and 3-4 of these regulations,~~
- ~~(d) Placed in a package with an oxygen barrier and sealed before cooking, or placed in a package and sealed immediately after cooking and before reaching a temperature below 135 °F (57 °C)~~
- ~~(e) Cooled to 41 °F (5 °C) in the sealed package or bag as specified under § 3-501.4 and:~~

Commented [CS39]: Reverted to Food Code language to satisfy the HACCP concerns posed by the public. Current draft language was not clear enough about cook chill or sous vide being used in another outlet owned by the same business entity.

- (i) Cooled to 34 °F (1 °C) within 48 hours of reaching 41 °F (5 °C) and held at that temperature until consumed or discarded within 30 calendar days after the date of packaging.
- (ii) Held at 41 °F (5 °C) or below for no more than seven calendar days, at which time the food must be consumed or discarded, or
- (iii) Cooled to 34 °F (1 °C) within 48 hours of reaching 41 °F (5 °C) and then may be stored at 41 °F (5 °C) or below for no more than 7 days, at which time the food must be consumed or discarded. The total shelf-life of the food must not exceed 30 days from its date of packaging, or
- (iv) Held frozen with no shelf-life restriction while frozen until consumed or used.
- (f) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily,
- (g) Monitored with verifiable time and food temperature electronic monitoring devices if transported off-site to a satellite location for retail sale by the same person, and
- (h) Labeled with the product name and the date packaged, and

(3) Maintain the records required to confirm that cooling and cold holding refrigeration time/temperature parameters are required as part of the HACCP plan and:

- (a) Make such records available to the Health Authority upon request, and
- (b) Hold such records for at least six months, and

(4) Implement written operational procedures as specified under Subparagraph (B)(5) of this section and a training program as specified under Subparagraph (B)(6) of this section.

(E) Except as specified under ¶ (F) of this section, a food establishment that packages cheese using a reduced oxygen packaging method must:

(1) Limit the cheeses packaged to those that are commercially manufactured in a food processing plant with no ingredients added in the food establishment and that meet the Standards of Identity as specified in 21 CFR 133.150 *Hard Cheeses*, 21 CFR 133.169 *Pasteurized Process Cheese* or 21 CFR 133.187 *Semisoft Cheeses*.

(2) Have a HACCP plan that contains the information specified under ¶¶ 8-201.4(C) and (E) and as specified under ¶¶ (B)(1), (B)(3)(a), (B)(5) and (B)(6) of this section.

(2)(3) Label the package on the principal display panel with a “use-by date that does not exceed 30 calendar days from its packaging or the original manufacturer’s sell-by” or “use-by” date, whichever occurs first, and

(3)(4) Discards the reduced oxygen packaged cheese if it is not sold for off-premises consumption or consumed within 30 calendar days of its packaging.

A FOOD ESTABLISHMENT that packages FISH using

(C) — A HACCP plan is not required when a food establishment uses a reduced oxygen packaging method shall:

- (1) — Implement a HACCP PLAN that contains the information as specified in Chapter 4-101.14 of these Regulations.
- (2) — Provide written validation of the HACCP PLAN and process from a Processing Authority which utilizes the *National Advisory Committee on Microbiological Criteria for Foods (NACMCF)* protocols for inoculation studies for *Clostridium botulinum* and *Listeria monocytogenes*.

(D)(F) Ensure that FISH be maintained FROZEN until thawed and prepared for consumption. Before thawing, the to package must be opened and shall be held at 41°F±2° or below for no more than 72 hours before consumption or product shall be discarded. TCS food that is always:

- ~~(3) Except that FISH that is frozen before, during and after REDUCED OXYGEN PACKAGING shall require submission of a HACCP PLAN for review and approval by the HEALTH AUTHORITY, but shall not require a WAIVER.~~
- ~~(4) Except for fresh FISH that is REDUCED OXYGEN PACKAGED solely for the cooking process, for individual orders for immediate service to a customer, shall be exempt from HACCP requirements. A written validation of the operational procedures must be obtained from a Processing Authority and be made available upon request of the HEALTH AUTHORITY.~~
- ~~(D) Existing facilities currently utilizing any method as specified in Paragraph (A-C) of this Section shall submit the required WAIVER, all supporting information, and pay applicable fees to the REGULATORY AUTHORITY within six months of approval of these regulations.~~

Food Identity, Presentation, and On-Premises

Subparts

- 11 Accurate Representation**
- 12 Labeling**

~~3-601~~

- ~~(1) Labeled with the production time and date,~~
- ~~(2) Held at 41 °F (5 °C) or below during refrigerated storage, and~~
- ~~(3) Removed from its package in the food establishment within 48 hours after packaging.~~

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

3-601 Accurate Representation

3-601.1 ~~3-601.11~~ Standards of Identity

~~PACKAGED FOOD shall~~

~~Packaged food must~~ comply with standard of identity requirements in ~~applicable Nevada LAW and Federal Regulations, and NAC 583, NAC, 584,~~ 21 CFR 131-169; and 9 CFR 319; ~~Definitions and Standards of Identity or Composition, and the general requirements —of in~~ 21 CFR 130; ~~Food Standards: General,—~~ and 9 CFR 319 Subpart A ~~-General.~~

3-601.2 ~~3-601.12~~ Honestly Presented

~~FOOD shall~~

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

3-602 ~~3-602~~ Labeling

~~3-602.11~~ ~~FOOD Labeling~~

~~3-602.1~~ ~~Food Labels~~

- (A)** Food packaged in a food establishment, ~~for off-PREMISE consumption within Clark County, shall for retail sale~~ must be labeled ~~in English, and~~ as specified in ~~LAW, including NAC 446.187 Labeling,~~ 21 CFR 101 Food Labeling, and 9 CFR 317 Labeling, Marking Devices, and Containers. ~~A guidance document is provided in Appendix E.~~

~~(A) Packages of FOOD, prepared within Clark County including processed FOOD, dietary supplements, and packages of FOOD re-PACKAGED from bulk that are for sale in a FOOD ESTABLISHMENT, for off-PREMISE consumption, shall have a label reviewed and APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION. Any fees required shall be paid in full before any label may be used or the PACKAGED FOOD may be sold.~~

- (B)** Label information ~~shall~~must include, ~~in English:~~

- (1)** The common name of the food, or absent a common name, an adequately descriptive identity statement,
- (2)** A list of ingredients, if made from two or more ingredients, a list of ingredients and sub-ingredients in descending order of predominance by weight, including a listing declaration of artificial ~~color,~~

~~flavor colors, artificial flavors, and/or chemical preservative if present, preservatives, if contained in the food.~~

- (3) An accurate declaration of ~~the net~~ quantity of ~~the~~ contents.
- (4) The name ~~and of the food establishment and address for the~~ place of business ~~specifying whereof the product was manufactured, PACKAGED manufacturer, packer, or distributed distributor.~~
- (5) The name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient.
- (6) ~~Except as exempted in the Federal Food, Drug and Cosmetic Act 403 (Q) (3) (5), Nutrition labeling as specified in 21 CFR 101 Food Labeling and 9 CFR 317 Subpart B Nutrition Labeling, PACKAGED FOOD sold for off PREMISE consumption in Clark County, Nevada, shall be exempt from nutritional labeling, unless exempted in the Federal Food, Drug, and Cosmetic Act § 403(q)(3)–(5), and~~

~~(1) READY TO EAT, PHF (TCS) prepared and PACKAGED for off PREMISE consumption shall be labeled with a “use by” date as required in Paragraph 3-501.17 or Paragraph 3.502.12 of this Chapter.~~

- (7) If canthaxanthin or astaxanthin is used as a color additive, ~~with for~~ any salmonid fish, ~~its presence shall be declared in an ingredient label that discloses the use of canthaxanthin or astaxanthin must be present on any bulk containers or retail packages. If the fish is not in a package or container, the list of ingredients on both bulk and retail container labels, and by may be disclosed by other written advisories on a means, such as a placard or counter card or on the menu.~~

- (C) Bulk food that is available for consumer self-dispensing shall must be prominently labeled, ~~in English,~~ with the following information in plain view of the consumer:

- (1) The ~~manufacturer’s~~ manufacturer’s or ~~processor’s~~ processor’s label that was provided with the food, or
- (2) A ~~poster,~~ card, sign, or other method of notification that includes the information specified ~~in Paragraph (C) (under Subparagraphs (B)(1), (2), and (5))~~ of this section.

- (D) Bulk ~~un~~PACKAGED FOOD ~~including but not limited to, unpackaged foods such as~~ bakery products and unpackaged FOOD foods that are portioned to consumer specification, ~~need not be labeled if:~~

~~Ne~~

- (1) A health nutrition, nutrient content, or other claim is not made, and
- ~~(2) There is no state or local LAWS requiring labeling.~~

(2) Not otherwise required by law, and

~~(2)(3)~~ (3) The ~~bulk~~ food is manufactured or prepared on the premises of the food establishment, or at another food establishment or a food processing ESTABLISHMENT plant that is owned by the same person, ~~which and~~ is regulated by the HEALTH AUTHORITY or food regulatory agency of jurisdiction.

~~3-602.13-602.2~~ 3-602.12 ~~Other Forms of Information~~

- (A) If required by law, consumer warnings shall must be provided.

- (B) ~~Dating information concerning FOOD provided by a~~ Food establishment or manufacturer ~~shall~~dating information on foods must not be concealed or altered.

~~3-603~~ Consumer Advisory

~~A guidance document is provided in Appendix F.~~

3-603 3-603.11 for Consumption of Animal FOOD Foods that ~~is~~are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens

- (A) Except as specified in ~~Paragraph 3-401.1(C) and under 3-801.11(D) of this Chapter,~~(C), if an animal food ~~including but not limited to such as~~ beef, eggs, fish, lamb, ~~milk,~~ pork, poultry, or shellstock is sold, offered for sale, or served ~~or sold~~ raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat food, the ~~PERMIT HOLDER shall~~food establishment must inform consumers of the significantly increased risk of ~~FOOD BORNE ILLNESS from~~ consuming such ~~FOOD. This information shall be provided to CONSUMERS~~foods by way of a disclosure and ~~REMINDER~~a reminder, as specified in ~~Paragraphs 3-603.11(B) and (C) of this section using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.~~

~~(C) of this Section, by using brochures, deli case advisories or menu advisories, label statements, table tents, placards, or other effective written means.~~

~~DISCLOSURE shall~~

- (B) The disclosure must include:

- (1) A description of the animal-derived food ~~including but not limited to, such as~~ "oysters on the half shell (raw oysters)", "raw egg Caesar salad," and "hamburgers ~~which may~~can be cooked to order," or
- (2) Identification of the animal-derived ~~FOOD,~~ marked by an asterisk, ~~directing CONSUMERS~~foods by asterisking them to a footnote ~~which that~~ states ~~that~~ the items ~~that~~ are served raw or undercooked, or ~~that may contain (or may contain),~~ raw or undercooked ingredients.

~~REMINDER shall~~

- (C) The reminder must include asterisking the animal-derived ~~FOOD,~~foods requiring disclosure to a footnote that states:

- (1) ~~Written information~~ Regarding the safety of these items, written information is available upon request.
- (2) Consuming raw or undercooked ~~MEAT~~meats, poultry, seafood, ~~SHELLSTOCK~~shellfish, or eggs may increase your risk of ~~FOOD BORNE ILLNESS~~foodborne illness, or
- (3) Consuming raw or undercooked ~~MEAT~~meats, poultry, seafood, ~~SHELLSTOCK~~shellfish, or eggs may increase your risk of ~~FOOD BORNE~~foodborne illness, especially ~~in case of if you have~~ certain medical conditions.

~~3-701~~ **Disposition**

~~3-701.11~~

3-7	Contaminated Food
Subpart	
3-701	Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food

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

~~The PERSON IN CHARGE shall ensure that:~~

- (A) ~~A food that is unwholesome, spoiled, ADULTERATED, or contaminated shall~~ unsafe, adulterated, misbranded or not honestly presented as specified under § 3-101 ~~must be discarded.~~ reconditioned according to an approved procedure.
- (B) Food that is not from an approved source ~~shall as specified under Subpart 3-201 must be discarded~~ or placed on hold for final disposition by the HEALTH AUTHORITY.
- (C) Ready-to-eat food that ~~may~~ might have been contaminated by a food handler, who has been restricted or excluded, ~~shall as specified under § 2-201.2 must be discarded.~~ Ready to eat FOOD prepared with bare hands following an APPROVED operational procedure as per Chapter 3-301.11 (A) (2) shall not be discarded.
- (D) Food that is contaminated by food handlers, consumers, or other persons through contact with their ~~bare~~ hands, ~~or~~ bodily discharges, ~~including but not limited to such as~~ nasal or oral discharges, or ~~by~~ other means ~~shall~~ must be discarded.
 - (A) ~~FOOD that has been returned by a CONSUMER shall be discarded unless it is in unopened, tamper evident commercial wrapping or packaging.~~
 - (B) ~~FOOD that is MISBRANDED shall be discarded or removed from sale until properly labeled.~~

Special Requirements for Highly Susceptible Populations

01 Additional Safeguards

~~3-801~~ ~~Additional Safeguards~~
~~3-801.11~~ ~~PASTEURIZED FOOD~~

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

3-801 Pasteurized Foods, Prohibited Re-Service, and Prohibited Food

In a food establishment that serves a highly susceptible population:

- (A) The following criteria ~~shall~~ apply to juice:
 - (1) For the purposes of ~~this Paragraph~~ paragraph (A) only, children who are age 9 or ~~under~~ less and ~~who~~ receive food in a school, ~~day care setting~~ daycare, or similar facility that provides custodial care are ~~defined~~ included as highly susceptible populations. ~~PRE-PACKAGED JUICE, or PRE-PACKAGED~~
 - (2) Prepackaged juice or a prepackaged beverage containing juice, that bears a warning label as specified in 21 CFR, 101.17(g) *Food Labeling, Warning, Notice, and Safe Handling Statements*, ~~JUICE~~ Juices that ~~has~~ have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, ~~must not be sold, offered or displayed for sale, or served,~~
 - (3) Packaged juice or a packaged ~~JUICE~~ or beverage containing juice, that bears a warning label as specified ~~in Paragraph under ¶ 3-404.11 (B) of this Chapter shall~~ must not be ~~served or sold,~~ offered or displayed for sale, or served, and
 - (4) Unpackaged juice that is prepared on the premises, for service or sale in a ready-to-eat form, ~~shall~~ must be processed under a HACCP plan that contains the information specified ~~in Chapter under ¶ 8-~~

~~201.4-101.15 (B) and (D) of these Regulations, (C)–(E)~~ and as specified in 21 CFR Part 120 Hazard Analysis and Critical Control Point ~~Plan~~ (HACCP) Systems, including, without limitation, Subpart B Pathogen Reduction, and 21 CFR 120.24 Process controls.

- (B) Pasteurized eggs or egg products ~~shall~~must be substituted for raw eggs in the preparation of: ~~FOOD including but not limited to~~
- (1) Foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages, and
 - (2) Except as specified in ¶ (F) of this section, recipes in which more than one egg is broken and the eggs are combined ~~except as specified in Paragraph F of this Section,~~
- (C) The following ~~FOOD shall~~foods must not be ~~served or sold,~~ offered or displayed for sale, or served in a ready-to-eat form:
- (1) Raw animal ~~FOOD including but not limited to foods such as~~ raw fish, raw marinated fish, raw molluscan ~~SHELLSTOCK~~shellfish, and steak ~~tartar~~tartare,
 - (2) A partially cooked animal food including but not limited to such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw eggs, and meringue, and
 - (3) Raw seed sprouts.
- (D) Food handlers must not contact ready-to-eat food as specified ~~in Paragraph under ¶ 3-301.11 (A) of this Chapter, FOOD HANDLERS shall not make bare hand contact with READY TO EAT FOOD 1(B) and (E).~~
- (E) Time only, as the ~~means of~~ public health control, as specified ~~in Paragraph under ¶ 3-501.19 (C) (5) of this Chapter shall~~(D), must not be used for raw eggs.
- Paragraph
- (F) Subparagraph (B)–(2) of this section does not apply if:
- (1) The raw eggs are combined immediately before cooking for one ~~CONSUMER~~consumer's serving at a single meal, cooked as specified ~~in Paragraph under Subparagraph 3-401.11 (A) (1) (f) of this Chapter 1(A) (1),~~ and served immediately including but not limited to, such as an omelet, soufflé, or scrambled eggs, and
 - (2) The raw eggs are combined as an ingredient immediately before baking, and the eggs are thoroughly cooked to a ready-to-eat form including but not limited to, such as a cake, muffin, or bread, or
 - ~~(2)~~(3) The preparation of the food is conducted under a HACCP plan that:
Identified
- (a) Identifies the food to be prepared, and
 - (b) Prohibits ~~contact of~~contacting ready-to-eat food with bare hands, and
 - (c) Includes specifications and practices that ensure:
 - (i) *Salmonella* Enteritidis growth is controlled before and after cooking, and
 - (ii) *Salmonella* Enteritidis is destroyed by cooking the eggs according to the temperature and time ~~as specified in Paragraph Subparagraph 3-401.11 (A) (1) (e) of this Chapter 1(A) (2),~~
 - (d) Contains the information ~~as specified in Chapter under ¶ 8-201.4-101.14 of these Regulations, (D)~~ including procedures that:
 - (i) Control cross-contamination of ready-to-eat food with raw eggs, and

(ii) ~~Ensure proper~~Delineate cleaning and sanitization procedures for food-contact surfaces, ~~and~~

(e) Describes ~~how~~ the ~~FOOD HANDLER~~training program that ensures that the food handler responsible for the preparation of the food ~~is trained to ensure full understanding~~of~~understands~~ the procedures to be used.

(G) Except as specified in ~~Paragraph~~¶ (H) of this section, food may be re-served as specified ~~in Paragraph~~under ~~Subparagraph 3-306.14 of this Chapter~~4(B)(1) and (2).

~~FOOD may~~

(H) Food must not be re-served under the following conditions:

(1) Any food served to patients or clients who are under contact precautions in medical isolation or quarantine, or protective environment isolation ~~shall~~must not be re-served to others outside.

(2) Packages of food from any patients, clients, or other consumers ~~shall~~should not be re-served to persons in ~~a~~ protective environment isolation.

Chapter 4

Chapter 4 Equipment, Utensils, and ~~Linen~~ Linens

Parts

- ~~4-1~~ ~~4-1~~ ~~Plan Submission Materials for Construction and Approval~~ ~~4-2~~ ~~Repair~~
- ~~4-2~~ ~~Design and Construction~~
- ~~4-3~~ ~~Numbers and Capacities~~
- ~~4-4~~ ~~Location and Installation~~
- ~~4-5~~ ~~Maintenance and Operation~~
- ~~4-14-6~~ ~~Cleaning of Equipment and Utensils~~
- ~~4-3~~ ~~Utensils and Devices for Measuring or Testing~~ ~~4-4~~
- ~~Cleaning and Sanitizing~~
- ~~4-7~~ ~~Sanitization of Equipment and Utensils~~
- ~~4-24-8~~ ~~Laundrying~~
- ~~4-34-9~~ ~~Protection of Clean Items~~

- ~~4-101~~ ~~Facility and Operating Plans~~
- ~~4-101.11~~ ~~When Plans~~

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

- ~~4-101~~ ~~Multiuse~~
- ~~4-101.1~~ ~~Characteristics~~

Materials that are Required

~~A PERMIT applicant or PERMIT HOLDER shall submit to the HEALTH AUTHORITY properly prepared plans and specifications for review and approval as specified in NRS 446.920 prior to:~~

- ~~(A) The used in the construction of a FOOD ESTABLISHMENT.~~
- ~~(B) The conversion of an existing structure for use as a FOOD ESTABLISHMENT.~~
- ~~(C) The remodeling of a FOOD ESTABLISHMENT, if the HEALTH AUTHORITY determines that plans and specifications are necessary to ensure compliance with these Regulations.~~

~~4-101.12 Contents of the Plans, Utensils and Specifications~~

~~The plans and specifications for a FOOD ESTABLISHMENT, including a FOOD ESTABLISHMENT with a HACCP PLAN, shall include as required by the HEALTH AUTHORITY based on the type of operation, the type of FOOD preparation and FOOD prepared. This information can be accessed at SNHD's Website. The below information is required to demonstrate compliance with these Regulations.~~

- ~~(A) Intended menu.~~
- ~~(B) Anticipated volume of FOOD to be stored, prepared, and sold or served.~~
- ~~(C) Proposed layout, mechanical schematics, construction materials, and finish schedules.~~
- ~~(D) Proposed EQUIPMENT types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications.~~
- ~~(E) Standard operating procedures that demonstrate compliance with these Regulations may be required by Plan Review.~~
- ~~(F) A declaration stating exempt or non exempt status, as specified in the Nevada Clean Indoor Air Act, NRS 202.2483, shall be submitted at the time of application along with a copy of the appropriate gaming or business license.~~
- ~~(G) Other information that may be required by the HEALTH AUTHORITY for the proper review of the proposed construction, conversion, or modification, including procedures for operating a FOOD ESTABLISHMENT.~~
- ~~(H) A statement signed by the applicant declaring exempt or non exempt status of the facility as specified in the Nevada Clean Indoor Air Act, NRS 202.2483.~~

4-101.13 WAIVER Modifications

~~The HEALTH AUTHORITY may grant a WAIVER by modifying the requirements of these Regulations, if in the opinion of the HEALTH AUTHORITY a health HAZARD or nuisance will not result from the WAIVER. During the WAIVER process, the HEALTH AUTHORITY may impose conditions upon the WAIVER. If a WAIVER is granted, the HEALTH AUTHORITY shall retain the information in its records for the FOOD ESTABLISHMENT. Failure to meet conditions of the WAIVER may result in immediate revocation of the WAIVER.~~

4-101.14 When a HACCP PLAN is Required

- ~~(A) Prior to implementing a HACCP PLAN required by the HEALTH AUTHORITY, a PERMIT applicant or PERMIT HOLDER shall pay applicable fees and submit to the HEALTH AUTHORITY for approval a properly prepared HACCP PLAN as specified in Section 4-101.15 of this Chapter and the relevant provisions of these Regulations if:~~
- ~~(1) Submission of a HACCP PLAN is required according to LAW.~~
 - ~~(2) A WAIVER is required as specified in Chapter 3-502.11 of these Regulations.~~

~~(3) The HEALTH AUTHORITY determines that a FOOD preparation or processing method requires a WAIVER based on a plan submitted as specified in Section 4-101.13 of this Chapter, an inspectional finding, or a WAIVER request.~~

~~(B) A FOOD ESTABLISHMENT packages PHF (TCS) using a REDUCED OXYGEN PACKAGING method as specified in Chapter 3-502.13 of these Regulations.~~

~~4-101.15 Contents of HACCP PLAN~~

~~For a FOOD ESTABLISHMENT that is required to have a HACCP PLAN, as specified in Section 4-101.13 of this Chapter, the plan shall include:~~

~~(A) A categorization of the types of PHF (TCS) that are specified in the menus including but not limited to soups, sauces, salads, and bulk solid FOOD including but not limited to MEAT roasts, or other FOOD that is specified by the HEALTH AUTHORITY.~~

~~(B) A flow diagram by specific FOOD, or FOOD category type, identifying CRITICAL CONTROL POINTs and providing information on:~~

~~(1) Ingredients, materials, and EQUIPMENT used in the preparation of that FOOD or FOOD category.~~

~~(2) Formulations or recipes which incorporate methods and procedural controls that address the FOOD safety concerns.~~

~~(C) The FOOD HANDLER and supervisory training plan that addresses the FOOD safety concerns.~~

~~(D) The standard operating procedures under the plan, which shall clearly identify:~~

~~(1) Each CRITICAL CONTROL POINT.~~

~~(2) The CRITICAL LIMITs for each CRITICAL CONTROL POINT.~~

~~(3) The method and frequency of monitoring and controlling each CRITICAL CONTROL POINT by the FOOD HANDLER designated by the PERSON IN CHARGE.~~

~~(4) The method and frequency for the PERSON IN CHARGE to routinely verify that the FOOD HANDLER is following standard operating procedures and monitoring CRITICAL CONTROL POINTs.~~

~~(5) Action to be taken by the PERSON IN CHARGE if the CRITICAL LIMITs for each CRITICAL CONTROL POINT is not met.~~

~~(6) Records to be maintained by the PERSON IN CHARGE to demonstrate that the HACCP PLAN is properly adhered to, operated, and managed.~~

~~4-102 Construction Inspection and Approval~~

~~4-102.11 Pre-Operational Inspections~~

~~The HEALTH AUTHORITY shall conduct one or more pre operational inspections to verify that the FOOD ESTABLISHMENT is constructed and equipped in accordance with the APPROVED plans and APPROVED modifications of those plans, and that established standard operating procedures as specified in Section 4-101.12 (E) of this Chapter are followed and are in compliance with these Regulations.~~

~~4-103 UNCATEGORIZED FOOD ESTABLISHMENT~~

~~4-103.11 Requirements~~

~~UNCATEGORIZED FOOD ESTABLISHMENTS may deviate from certain structural and/or operational requirements of these Regulations, upon approval of the HEALTH AUTHORITY if:~~

~~(A) The design, construction, and operation are within the limits of sound engineering and SANITIZATION practices, and as long as there is no public health or safety HAZARD to employees or customers.~~

~~(1) The deviation is necessary because of the limitations of the proposed unique design or business plan.~~

~~(2) Such design and operational deviations or special conditions are provided to the HEALTH AUTHORITY in writing, and the HEALTH AUTHORITY approves the plan.~~

~~(3) The operating PERMIT issued for an UNCATEGORIZED FOOD ESTABLISHMENT food-contact surfaces of equipment must denote that such PERMIT is constrained and limited to the APPROVED design and operational plans, and that any deviation may result in immediate suspension of the health PERMIT.~~

~~(4) The HEALTH AUTHORITY shall require such measures as it deems necessary to ensure the health and safety of the public including but not limited to, Standard Operating Procedures (SOPs), a HACCP PLAN, monitoring logs, WAIVERS, and/or VARIANCES.~~

~~(B) Modification of any existing restaurant into a stand-alone bar, tavern or saloon with a physically segregated restaurant under the same roof or in the same building must be first APPROVED by the HEALTH AUTHORITY through the HEALTH AUTHORITY's plan review process. For this section, "physically segregated" means:~~

~~(1) Smoking and nonsmoking areas must be separated by a complete partition or by solid doors which~~

~~fit tightly, close automatically and remain closed except during use.~~

- (2) ~~Separate entrances to the non-smoking FOOD ESTABLISHMENT and areas where smoking is allowed, either from outside the establishments or accessible via a non-smoking foyer or corridor.~~
- (3) ~~Non-smoking access to restrooms shared in common between non-smoking FOOD ESTABLISHMENTS and areas where smoking is allowed.~~
- (4) ~~To prevent smoke infiltration into the restaurant, the ventilation system for the stand-alone bar, tavern or saloon must be independent from the restaurant ventilation system.~~
- (5) ~~Food sales within the stand-alone bar is RESTRICTED to incidental FOOD service items such as peanuts, popcorn, chips, pretzels or any other incidental FOOD items that are exempt from FOOD licensing requirements pursuant to Subsection 2 of~~

~~4-201~~ **Materials, Design, and Construction for Approvals of EQUIPMENT for Sanitation**

~~4-201.11~~ **General Design and Construction of EQUIPMENT**

- (A) ~~EQUIPMENT shall be designed and constructed to be durable and to maintain its characteristics under normal use conditions.~~
- (B) ~~FOOD-CONTACT SURFACES of EQUIPMENT, except cooking oil storage tanks, distribution lines for cooking oils, or BEVERAGE syrup lines or tubes shall be:~~
 - (1) ~~Finished to have SMOOTH, EASILY CLEANABLE surfaces.~~
 - (2) ~~Free of rough welds or joints, breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections.~~
 - (3) ~~Free of "V" type threads, and sharp internal angles, corners, and crevices.~~
 - (4) ~~Accessible, without requiring disassembly by use of power tools or specialized hand tools, for cleaning and inspection.~~

~~Made of materials that do not allow the migration of harmful/deleterious substances or impart colors, odors, or tastes to food, and that are, and under normal use conditions must be:~~

- (A) ~~Safe,~~
- (a) ~~Non-absorbent and made of CORROSION-RESISTANT MATERIAL.~~
- (B) ~~Durable and of sufficient, corrosion-resistant, and nonabsorbent,~~
- (C) ~~Sufficient in weight and thickness to withstand repeated WARE WASHING-warewashing,~~
- (D) ~~Finished to have a smooth, easily cleanable surface, and~~
- (E) ~~Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.~~

~~NON-FOOD-CONTACT SURFACES of EQUIPMENT~~

~~4-101.2~~ **Cast Iron, Use Limitation**

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

~~4-101.3~~ **Lead, Use Limitation**

- (C) ~~Ceramic, china and crystal utensils, including, without limitation, hand painted ceramic or china that are exposed to splash, spillage, or other FOOD soiling, or that require frequent cleaning shall be constructed of a CORROSION-RESISTANT MATERIAL, and be SMOOTH and non-absorbent.~~
- (D) ~~All NON-FOOD-CONTACT SURFACES of EQUIPMENT shall be used in contact with food must be lead-free of unnecessary ledges, projections and crevices, and be designed and constructed to allow easy cleaning and to facilitate maintenance.~~

4-201.12 — Standards for Sanitation

~~EQUIPMENT used in a Clark County FOOD ESTABLISHMENT shall meet or exceed the standards for sanitation established by the AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI), the Baking Industry Sanitation Standards Committee (BISSC) and/or the National Sanitation Foundation International (NSF), including NSF/ANSI Install Standards except that standards for construction of EQUIPMENT required to be present in a FOOD ESTABLISHMENT may not apply to a child care facility with a limited menu as specified in NRS 446.941.~~

4-201.13 Third Party Certifications for Sanitation

~~EQUIPMENT that is contain levels of lead not factory-certified as meeting ANSI or BISSC standards, but for which ANSI or BISSC Standards exist, must be examined at the expense of the FOOD ESTABLISHMENT by one of exceeding the limits in the following testing services before being APPROVED for use:~~

- ~~(A) — National Sanitation Foundation (NSF), Ann Arbor, Michigan~~
- ~~(B) — Underwriters Laboratory, Classified Inc. (UL/EPH) Classified, Northbrook, Illinois.~~
- ~~(C) — Intertek Testing Services (ETL Sanitation), Cortland, New York.~~
- ~~(D) — Other entities APPROVED by ANSI or BISSC.~~

4-201.14 — EQUIPMENT in Categories Not Covered by Sanitation Standards

- (A) ~~As per NAC 446.275 EQUIPMENT in utensil categories not covered by ANSI or BISSC Sanitation Standards, including but not limited to some Tandoori and pizza ovens, candy processing, commercial manufacturing, BARBECUE, and MOBILE VENDOR EQUIPMENT shall:~~

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

- ~~(A) Comply with all general design and construction criteria as specified in Section 4-201.11 of this Chapter.~~
~~(B) Be used only with written approval by the HEALTH AUTHORITY. Additional information may be required for approval, which may include but not be limited to:~~
- ~~(1) Requirements for laboratory or field testing as a basis for approval.~~
 - ~~(2) Specific use limitations based on identified RISK factors.~~
 - ~~(3) Written proof of approval by a governmental agency, including but not limited to the FDA or USDA.~~

4-201.15 Limited Uses of Materials Not Compliant with ANSI or BISSC Standards

~~EQUIPMENT with materials that do not comply with general ANSI or BISSC standards may be used in a FOOD ESTABLISHMENT only for the following limited uses:~~

- ~~(A) Cast iron may be used in EQUIPMENT only:~~
- ~~(1) As a surface for cooking, then serving and,~~
 - ~~(2) If maintained clean and in a rust-free condition.~~
- ~~(B) Lead may be present in a FOOD-CONTACT SURFACE only in:~~
- (B) Pewter alloys containing ~~less than lead in excess of 0.05% lead must not be used as a food-contact surface.~~
- (C) Solder and flux containing ~~less than 0.2% lead lead in excess of 0.2% must not be used as a food-contact surface.~~

4-101.4 Copper, Use Limitation

- ~~(C) Except as specified in ¶ (B) of this section, copper and copper alloys, including but not limited to such as brass:~~
- (A) ~~Shall must not be used in contact with a food that has a pH below 6 such as vinegar, fruit juice, or wine, or for a fitting or tubing installed between a carbonator and a testable backflow prevention device or assembly, and a carbonator.~~
- ~~(1) May not be used as a FOOD-CONTACT SURFACE for highly acidic FOOD including but not limited to vinegar, fruit JUICE, or wine.~~
- (B) Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the pre-fermentation and fermentation steps of a beer brewing beer in a brew pub operation such as a brewpub or microbrewery.

4-101.5 Galvanized Metal, Use Limitation

- ~~(D) Galvanized metal:~~
~~Shall must not be used for EQUIPMENT-FOOD-CONTACT SURFACES involving utensils or food-contact surfaces of equipment that are used in contact with highly acidic food.~~
~~FOOD including but not limited to vinegar, fruit JUICE, or wine.~~

~~Ventilation hood canopies shall~~

4-101.6 Sponges, Use Limitation

~~(1) Sponges must not be used in any new or re-modeled FOOD service areas. In existing hood systems, which includes the back flashes, contact with cleaned and filters, shall be replaced with sanitized or in-use food-contact surfaces.~~

~~APPROVED, non-galvanized materials when any of their components are:~~

- ~~(a) In disrepair.~~
- ~~(b) Damaged or not protected by an intact zinc coating.~~
- ~~(c) Corroded or rusted.~~
- ~~(d) Illegally modified.~~

4-101.7 Wood and, Use Limitation

~~(A) Except as specified in 911 (B)-(D) of this section, wood wicker shall not be used as a food-contact surface of EQUIPMENT except that:~~

~~(B) Sealed wood may be used for non-food contact surfaces that are not regularly exposed to moisture and have no wet-line penetrations. Examples include, but are not limited to, bar tops, dining tables, or cabinets in a customer interface area that are not used for open food storage or preparation.~~

~~(B)(C) Hard maple, or an equivalently hard, close-grained wood, maintained SMOOTH and easily cleanable, may be used for:~~

~~(1) Cutting boards; cutting blocks and bakers'; bakers' tables; and utensils such as rolling pins, doughnut dowels, salad bowls, and chopsticks, and~~

~~(e) Large spatulas for use at a bakery oven or pizza oven.~~

~~(2) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 230 °F±2°, (110 °C) or above.~~

~~Bamboo steamer baskets used for cooking shall be SMOOTH and easily cleanable.~~

~~(f) Whole, uncut, raw fruits and vegetables, and maintained clean. Single service liners shall be placed between the basket and FOOD.~~

~~(g) Traditional ethnic UTENSILS including but not limited to sushi mixing bowls and tortilla presses, which are maintained and used as specified by manufacturer instructions. Round soft-nuts in the shell may be kept in the wood or coated wood cutting blocks are prohibited.~~

~~(C)(D) Untreated wooden shipping containers in which whole, uncut raw fruits and vegetables, or nuts in the shell they were received may be used for storage, until the FOOD is fruits, vegetables, or nuts are used.~~

~~Wooden containers, either untreated or treated with an APPROVED wood preservative, may be used for storage.~~

~~(D)(E) If the nature of whole, uncut raw FOOD, which the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:~~

~~Glass-~~

~~(1) Untreated wood containers, or~~

~~(2) Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 Preservatives for wood.~~

4-101.8 Nonstick Coatings, Use Limitation

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

4-101.9 Nonfood-Contact Surfaces

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

4-102 Single-Service and Single-Use Characteristics

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

(A) May not:

(1) Allow the migration of deleterious substances, or

(2) Impart colors, odors, or tastes to food, and

(B) Must be:

(1) Safe, and

(2) Clean.

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

4-201 Durability and Strength

4-201.1 Equipment and Utensils

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

4-201.2 Food Temperature Measuring Devices

Food temperature measuring devices must not have sensors, or stems of FOOD TEMPERATURE MEASURING DEVICES, may be used only when they are constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating, including but not limited to such as candy thermometers, may be used.

~~(E) Polyvinyl chloride (PVC) in a FOOD ESTABLISHMENT is APPROVED for use only when meeting NSF/ANSI Standard 14.~~

~~4-201.16~~

~~4-202~~ Cleanability

~~4-202.1~~ Food-Contact Surfaces

(A) Multiuse food-contact surfaces must be:

- (1) Smooth.
- (2) Free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections.
- (3) Free of sharp internal angles, corners, and crevices.
- (4) Finished to have smooth welds and joints, and
- (5) Except as specified in ¶ (B) of this section, accessible for cleaning and inspection by one of the following methods:
 - (a) Without being disassembled.
 - (b) By disassembling without the use of tools, or
 - (c) By easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, open-end wrenches, and Allen wrenches.

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

~~4-202.14-202.2~~ CIP Equipment

(A) CIP equipment shall must meet the characteristics specified in Section under § 4-201.11 (B) of this Chapter, 202.1 and shall must be designed and constructed so that:

- (1) Cleaning and sanitizing solutions circulate through, throughout a fixed system and contact all, fixed interior food-contact surfaces, and
- (2) The system is self-draining, or capable of being completely drained of cleaning and sanitizing solutions, and

~~Units which cannot~~

(B) CIP equipment that is not designed to be disassembled for cleaning, must be designed with inspection access points are present to allow inspection to ensure that all interior food-contact surfaces are throughout the fixed system are being effectively cleaned.

~~4-201.17~~

~~4-202.3~~ V Threads, Use Limitation

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

~~4-202.24-202.4~~ Hot Oil Filtering Equipment

Hot oil filtering equipment shall must meet the characteristics specified in Section under § 4-201.11 of this Chapter 202.1 or shall § 4-202.2 and must be readily accessible for filter replacement and cleaning of the filter. ~~This requirement does not apply to Section 4-~~

~~201.11 (B) (3), to Sections 4-201.12, and 4-201.13 of this Chapter.~~

~~4-202.34-202.5~~ ~~4-201.18~~ Can Openers

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

~~4-201.19~~ — EQUIPMENT Compartments that are Subject to Moisture Accumulation

~~EQUIPMENT~~ compartments that are subject to moisture accumulation due to conditions including but not limited to condensation, FOOD or BEVERAGE drip, or water from melting ice shall be sloped to an outlet that allows complete and continuous draining.

~~4-202~~ — EQUIPMENT Design and Capacities for Functionality

~~4-202.11~~ EQUIPMENT for Cooling, Heating, and/or Holding Temperature Controlled FOOD

- ~~(A) — EQUIPMENT for cooling and heating FOOD, and/or holding cold and hot FOOD, shall be sufficient in number and capacity to ensure FOOD temperatures as specified in Chapter 3 of these Regulations.~~
- ~~(B) — Cold or hot holding EQUIPMENT used for PHF (TCS) shall be equipped with at least one integral or permanently affixed TEMPERATURE MEASURING DEVICE located to allow easy viewing of its temperature display. This Section does not apply to EQUIPMENT for which the placement of a TEMPERATURE MEASURING DEVICE is not a practical means for measuring the ambient air surrounding the FOOD because of the design, type, and use of the EQUIPMENT including but not limited to calrod units, heat lamps, cold plates, bain maries, steam tables, insulated FOOD transport containers, and salad bars.~~
- ~~(C) — A TEMPERATURE MEASURING DEVICE in FOOD EQUIPMENT shall:
 - ~~(1) — Have its sensor located to measure the air temperature or a simulated product temperature in:
 - ~~(a) — The warmest part of a mechanically refrigerated unit.~~
 - ~~(b) — The coolest part of a hot FOOD storage unit.~~~~
 - ~~(2) — Be accurate to $\pm 2^{\circ}\text{F}$ in the intended range of use for monitoring the temperature of FOOD.~~
 - ~~(3) — Be designed to be easily readable.~~~~

~~4-202.12~~ Three-Compartment Sinks

- ~~(A) — A three-compartment sink shall be installed in an area that has been APPROVED by the HEALTH AUTHORITY in each FOOD ESTABLISHMENT in which WARE WASHING and sanitizing of UTENSILS is required, and shall:
 - ~~(1) — Have an integral, self-draining drain board on each end.~~
 - ~~(2) — Be indirectly plumbed to a floor sink, and be supplied with hot and cold water tempered water by a mixing valve, or a combination faucet.~~
 - ~~(3) — Have sink compartments large enough to accommodate $\frac{1}{4}$ immersion of the largest EQUIPMENT and UTENSILS that are not to be cleaned and sanitized by alternate, APPROVED methods including but not limited to high-pressure detergent sprayers, low or line pressure spray detergent foamers, other task-specific cleaning EQUIPMENT, brushes, or other implements.~~~~
- ~~(B) — To accommodate all soiled and cleaned items which may accumulate during hours of operation, drain boards, UTENSIL racks, or tables, in adequate size and number, shall be provided for UTENSIL holding before cleaning and after sanitizing.~~
- ~~(C) — In areas that process or prepare raw FOOD of animal origin for consumption as READY TO EAT FOOD, a separate three-compartment sink shall be provided for the sole use of that operation.~~
- ~~(D) — PERMITTED satellite areas, including bars, operating in conjunction with a main WARE WASHING facility, owned, leased, or managed by the same PERMITTEE, may operate without a three-compartment sink provided that a glass washer is provided at the bar, and in all cases, WARE WASHING procedures must be APPROVED by the HEALTH AUTHORITY.~~

~~4-202.13~~ — WARE WASHING Machines

- (A) ~~Data Plate Operating Specification: A WARE WASHING machine shall have an easily accessible and readable data plate, affixed to the machine by the manufacturer, stating its design and operating specifications which include:

 - (1) ~~Temperatures required for washing, rinsing, and sanitizing.~~
 - (2) ~~The pressure required for the fresh water sanitizing rinse, unless the machine is designed to use only a pumped sanitizing rinse.~~
 - (3) ~~The conveyor speed for conveyor machines or the cycle time for stationary rack machines.~~
 - (4) ~~A new manufacturer's data plate shall be installed reflecting any conversion if an APPROVED convertible WARE WASHING machine is converted from a high temperature sanitizing rinse to a chemical sanitizing rinse, or vice a versa.~~~~
- (B) ~~Internal Baffles: WARE WASHING machines with wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize CROSS CONTAMINATION of the solutions in the wash and rinse tanks.~~
- (C) ~~TEMPERATURE MEASURING DEVICES: A WARE WASHING machine shall be equipped with a TEMPERATURE MEASURING DEVICE that indicates the temperature of the water with a numerical scale, printed record, or digital readout in increments no greater than $\pm 2^{\circ}\text{F}$ in the intended range of use:

 - (1) ~~In each wash and rinse tank.~~
 - (2) ~~As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.~~~~
- (D) ~~Automatic Dispensing of Detergents and Sanitizers: A WARE WASHING machine shall be designed and equipped to:

 - (1) ~~Automatically dispense detergents and sanitizers.~~
 - (2) ~~Incorporate a visual means to verify that detergents and sanitizers are delivered, or a visual or audible alarm to signal that the detergents and sanitizers are not being delivered during the respective washing and sanitizing cycles.~~~~
- (E) ~~Pressure Regulation for Hot Water (high temperature) Sanitizing: A WARE WASHING machine that provides a fresh hot water sanitizing rinse shall:

 - (1) ~~Be equipped with a pressure gauge or a similar device, including but not limited to a transducer which measures and displays the water pressure:

 - (a) ~~In increments not greater than one pound per square inch (psi).~~
 - (b) ~~With an accuracy of ± 2 psi in the operational range of 15-25 psi as measured in the water line immediately downstream from the fresh hot water sanitizing rinse control valve.~~~~
 - (2) ~~If the pressure measuring device is located upstream of the fresh hot water sanitizing rinse control valve, the device shall be mounted on a $\frac{1}{4}$ " iron pipe size (IPS) valve.~~~~
- (F) ~~Integral drain boards: A WARE WASHING machine shall have integral self-draining, drain boards.~~
- (G) ~~Accessory Draining EQUIPMENT: Drain boards, UTENSIL racks, or tables large enough to accommodate all soiled or cleaned items that may accumulate during hours of operation, shall be provided for necessary UTENSIL holding before cleaning, and after sanitizing.~~

~~4-202.14~~ **WARE WASHING Machine/Sink Combination Units**

- (A) ~~Sinks that are an integral part of a WARE WASHING machine unit shall be used for no other purpose than WARE WASHING.~~
- (B) ~~When WARE WASHING machines and three compartment sink units share an integral drain board, procedures shall be in place to ensure that CONTAMINATION of clean UTENSILS does not occur.~~

~~4-202.15~~

4-202.6 Nonfood-Contact Surfaces

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

4-202.7 Kick Plates, Removable

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

Ventilation Hood System

~~(A) Adequacy:~~

~~(1) A ventilation hood shall be installed:~~

~~(a) Over cooking EQUIPMENT that releases grease laden vapors.~~

~~(b) Where required by local building and safety authorities.~~

~~(c) When accumulation of greasy residue on walls or ceiling indicates that grease laden vapor is not being properly removed.~~

~~(2) Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from accumulation on walls and/or ceilings.~~

~~(3) Sunday brunches, temporary set ups, table side cooking, sampling, and demonstrations may be exempt, provided grease does not accumulate in the immediate area, as determined by the HEALTH AUTHORITY.~~

~~(B) Drip Prevention: Exhaust ventilation hood systems in FOOD preparation or WARE WASHING areas including but not limited to hoods, fans, guards, and ducts shall be designed to prevent grease or~~

condensation from draining or dripping onto FOOD HANDLERS, FOOD, EQUIPMENT, UTENSILS, LINEN, and/or SINGLE SERVICE ARTICLES and SINGLE USE ARTICLES.

~~4-202.44-202.8~~ **Systems, Filters**

~~Filters or other grease extracting equipment shall~~must be designed to be readily removable for cleaning and replacement, ~~unless if not~~ designed to be cleaned in place ~~the filter shall be made of the same metal as the hood system.~~

~~4-202.16~~ **Clothes Washers and Dryers**

~~A mechanical clothes washer and dryer shall be provided and used if work clothes or LINEN are LAUNDERED on the PREMISES. Their location in the facility shall be authorized by the HEALTH AUTHORITY.~~

~~4-202.17~~ **EQUIPMENT Kick Plates, Removable**

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

- ~~(A) Capable of being rotated open without unlocking EQUIPMENT or doors.~~
- ~~(B) Removable:~~
 - ~~(1) Without disassembly or,~~
 - ~~(2) By disassembling without the use of tools or,~~
 - ~~(3) By disassembling with the use of simple hand held tools including but not limited to screwdrivers, pliers, open ended wrenches, or Allen wrenches.~~

~~4-202.18~~ **EQUIPMENT Openings, Closures, and Deflectors**

- ~~(A) A cover or lid for EQUIPMENT shall overlap the opening and be sloped to drain.~~
- ~~(B) An opening located within the top of a unit of EQUIPMENT, which is designed for use with a cover or lid, shall have an upward flange of at least 2/10".~~
- ~~(C) Fixed piping, TEMPERATURE MEASURING DEVICES, rotary shafts, and other parts extending into EQUIPMENT shall have a watertight joint at the point where the item enters the EQUIPMENT. If a watertight joint is not provided:~~
 - ~~(1) The fixed piping, TEMPERATURE MEASURING DEVICES, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into FOOD.~~
 - ~~(2) The opening shall have an upward flange of at least 2/10".~~

~~4-202.54-202.9~~ ~~4-202.19~~ **Shelving**

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

- ~~(A) All Shelves located in walk-in refrigerators or freezers used in direct support of FOOD preparation, including but not limited to kitchens and pantries shall:~~
 - ~~(1) Be made of metal, plastic, or plastic coated CORROSION RESISTANT MATERIAL, and EASILY CLEANABLE.~~

~~(B) must~~ be maintained in a manner that does not restrict the circulation of air.

~~(C) Shelves located in separate dry storage areas shall~~must be made of corrosion-resistant material, and made of metal, plastic, plastic coated materials, or other durable easily cleanable materials, including wood products that have a smooth finish that is resistant to damage by spills of food, water, or ~~alcohol~~other leaks.

~~4-~~
~~(D) Shelves constructed of pressure-treated wood products which are impregnated or otherwise treated with chemicals to inhibit rotting or insect infestation must not be used in a food establishment, and~~

~~(E) Shelves may not be lined with cardboard, aluminum foil, contact paper or other non-durable material.~~

~~4-203~~ **Accuracy**

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

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

(B) Food temperature measuring devices that are scaled only in Fahrenheit must be accurate to ± 2 °F in the intended range of use.

4-203.2 Temperature Measuring Devices, Ambient Air and Water

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

(B) Ambient air and water temperature measuring devices that are scaled only in Fahrenheit must be accurate to ± 3 °F in the intended range of use.

4-203.3 Pressure Measuring Devices, Mechanical Warewashing Equipment

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

4-204 Functionality

4-204.1 Ventilation Hood Systems, Drip Prevention

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

4-204.2 Equipment Openings, Closures and Deflectors

(A) A cover or lid for equipment must overlap the opening and be sloped to drain.

(B) An opening located within the top of a unit of equipment that is designed for use with a cover or lid must be flanged upward at least two-tenths of an inch (5 millimeters).

(C) Except as specified under ¶ (D) of this section, fixed piping, temperature measuring devices, rotary shafts, and other parts extending into equipment must be provided with a watertight joint at the point where the item enters the equipment.

(D) If a watertight joint is not provided:

(1) The piping, temperature measuring devices, rotary shafts, and other parts extending through the openings must be equipped with an apron designed to deflect condensation, drips, and dust from openings into the food, and

(2) The opening must be flanged as specified under ¶ (B) of this section.

4-204.3 Dispensing Equipment, Protection of Equipment and Food

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

(A) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food must be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food.

(B) The delivery tube, chute, and orifice must be protected from manual contact such as by being recessed.

(C) The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers must be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the equipment is:

(1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment, or

(2) Available for self-service during hours when it is not under the full-time supervision of a food handler, and

(D) The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment must be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

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

(1) Be specifically designed and equipped to maintain the commercial sterility of aseptically packaged food in a homogenous liquid form for a specified duration from the time of opening the packaging within the equipment, and

(2) Conform to the requirements for this equipment as specified in NSF/ANSI 18 Manual Food and Beverage Dispensing Equipment.

4-204.4 Beverage Tubing, Separation

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

4-204.5 Ice Units, Separation of Drains

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

4-204.6 Condenser Unit, Separation

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

4-204.7 Molluscan Shellfish Tanks

(A) Except as specified under ¶ (B) of this section, molluscan shellfish life support system display tanks must not be used to store or display shellfish that are offered for human consumption and must be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.

(B) Molluscan shellfish life-support system display tanks that are used to store or display shellfish that are offered for human consumption must be operated and maintained in accordance with a waiver granted by the Health Authority as specified in § 8-103.1 and a HACCP plan that:

(1) Is submitted by the permit holder and approved as specified under § 8-103.2, and

(2) Ensures that:

- (a) Water used with fish other than molluscan shellfish does not flow into the molluscan tank,
- (b) The safety and quality of the shellfish as they were received are not compromised by the use of the tank, and
- (c) The identity of the source of the shellstock is retained as specified under § 3-202.20—9.

4-204.8 Temperature Measuring Devices

- (A) In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device must be located to measure the air temperature or a simulated product temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.
- (B) Except as specified in ¶ (C) of this section, cold or hot holding equipment used for TCS food must be designed to include and must be equipped with at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.
- (C) Paragraph (B) of this section does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment, such as calorod units, heat lamps, cold plates, bainmaries, steam tables, insulated food transport containers, and salad bars.
- (D) Temperature measuring devices must be designed to be easily readable.
- (E) Food temperature measuring devices and water temperature measuring devices on warewashing machines must have a numerical scale, printed record, or digital readout in increments no greater than 2 °F or 1 °C in the intended range of use.

4-204.9 Warewashing Machine, Data Plate Operating Specifications

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

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

4-204.10 Warewashing Machines, Internal Baffles

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

4-204.11 Warewashing Machines, Temperature Measuring Devices

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

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

4-204.12 Manual Warewashing Equipment, Heaters and Baskets

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

- (A) Designed with an integral heating device that is capable of maintaining water at a temperature not less than 171 °F (77.2 °C), and
- (B) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

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

A warewashing machine that is installed after adoption of these regulations by the Health Authority, must be equipped to:

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

4-204.14 Warewashing Machines, Flow Pressure Device

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

4-204.15 Warewashing Sinks and Drainboards, Self-Draining

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

4-204.16 Equipment Compartments, Drainage

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

4-204.17 Vending Machine, Vending Stage Closure

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

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

4-204.18 Vending Machines, Automatic Shutoff

Commented [CS40]: Comment:
You should require trough drains and drip pans to prevent accumulation of moisture that seeps into the floor.

(A) A machine vending TCS food must have an automatic control that prevents the machine from vending food:

(1) If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain food temperatures as specified under Chapter 3, and

(2) If a condition specified under Subparagraph (A)(1) of this section occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under Chapter 3.

(B) When the automatic shutoff within a machine vending TCS food is activated:

(1) In a refrigerated vending machine, the ambient air temperature must not exceed 41 °F (5 °C) for more than 30 minutes immediately after the machine is filled, serviced, or restocked, or

(2) In a hot holding vending machine, the ambient air temperature must not be less than 135 °F (57 °C) for more than 120 minutes immediately after the machine is filled, serviced, or restocked.

4-204.19 Vending Machines, Liquid Waste Products

(A) Vending machines designed to store beverages that are packaged in containers made from paper products must be equipped with diversion devices and retention pans or drains for container leakage.

(B) Vending machines that dispense liquid food in bulk must be:

(1) Provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow, or other internal wastes, and

(2) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.

(C) Shutoff devices specified under Subparagraph (B)(2) of this section must prevent water or liquid food from continuously running if there is a failure of a flow control device in the water or liquid food system or waste accumulation that could lead to overflow of the waste receptacle.

4-204.20 Vending Machine Doors and Openings

(A) Vending machine doors and access opening covers to food and container storage spaces must be tight fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than one-sixteenth inch (1.5 millimeters) by:

(1) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than one-sixteenth inch or 1.5 millimeters. Screening of 12 or more mesh to 1 inch (12 mesh to 2.5 centimeters) meets this requirement,

(2) Being effectively gasketed,

(3) Having interface surfaces that are at least one-half inch or 13 millimeters wide, or

(4) Jambs or surfaces used to form an L-shaped entry path to the interface.

(B) Vending machine service connection openings through an exterior wall of a machine must be closed by sealants, clamps, or grommets so that the openings are no larger than one-sixteenth inch or 1.5 millimeters.

4-204.21 Can Openers on Vending Machines

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

~~4-204.14-204.22~~ **Bearings and Gear Boxes, Leakproof**

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

~~4-202.21~~ **BEVERAGE Tubing**

~~BEVERAGE tubing and BEVERAGE cooling devices, including but not limited to cold plates, and cooling coils shall not be installed in contact with ice used for human consumption, except for cold plates that are constructed integrally with an ice storage bin.~~

~~4-202.22~~ **Ice Unit Drains**

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

~~4-202.23~~ **Condenser Units in FOOD Storage EQUIPMENT**

~~If a condenser unit is an integral component of EQUIPMENT, the condenser unit shall be separated from any FOOD, and FOOD storage space, by a dust proof barrier.~~

~~4-202.24~~ **MOLLUSCAN SHELLSTOCK/Crustacean/Finfish Life Support System Tanks**

~~Life support system tanks that are used:~~

- ~~(A) Only to display aquatic life, which is not offered for human consumption, shall be conspicuously marked so that it is obvious to the CONSUMER that the aquatic life is for display only.~~
- ~~(B) To store SHELLSTOCK/Crustacean/Finfish that is offered for human consumption, shall meet the requirements as specified in Chapter 9 204.12 of these Regulations, and be operated and maintained to ensure that:

 - ~~(1) Water from finfish tanks shall not be COMMINGLED between any molluscan shellfish tanks.~~
 The identity of the source of the SHELLSTOCK is retained as specified in~~

4-204.23 Case Lot Handling Apparatuses, Movability

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

4-205 Acceptability of Food Equipment, Certification and Classification

- (A) Food equipment must meet the standard for sanitation set by an American National Standards Institute accredited certification program. Upon request of the Health Authority, the PIC must provide verification that the equipment meets the sanitation standard in the form of:

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

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

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

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

4-301.2 Manual Warewashing, Sink Compartment Requirements

- (A) Except as specified in ¶¶ (C) and (D) of this section, a sink with at least three-compartments and an integral self-draining drainboard on each end, must be provided in each food establishment in which warewashing and sanitizing equipment and utensils is required.

(B) Sink compartments must be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment as specified in ¶ (C) of this section must be used.

(C) Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved. Alternative manual warewashing equipment may include:

- (1) High-pressure detergent sprayers,
- (2) Low- or line-pressure spray detergent foamers,
- (3) Other task-specific cleaning equipment,
- (4) Brushes or other implements,

(D) Satellite areas operated by the same person within a food establishment may operate without a three-compartment sink if there is a three-compartment sink available for use within 600 feet of the satellite area and the satellite area:

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

Commented [CS41]: We recommend changing 600 ft to "within a reasonable distance" or if it must be a concrete number, 1000 ft. Our last waiver application was for 800 feet

Commented [CS42R41]: 600 feet is very generous compared to current regulation which required every satellite area to have a glasswasher or three-compartment sink.

4-301.3 Drainboards

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

4-301.4 Ventilation Hood Systems, Adequacy

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

4-301.5 Clothes Washers and Dryers

- (A) Except as specified in ¶ (B) of this section, if work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer must be provided and used.
- (B) If on-premises laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified under § 4-901.2, a mechanical clothes washer and dryer need not be provided.

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

4-302.1 Utensils, Consumer Self-Service

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

4-302.2 Food Temperature Measuring Devices

(A) Food temperature measuring devices must be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified under Chapter 3-203.11 of.

(B) A food temperature measuring device with a suitable small-diameter probe that is designed to measure the temperature of thin masses must be provided and readily accessible to accurately measure the temperature in thin foods such as meat patties and fish filets.

4-302.3 Temperature Measuring Devices, Manual and Mechanical Warewashing

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

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

4-302.4 Sanitizing Solutions, Testing Devices

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

4-303 Availability of Cleaning Agents and Sanitizers

(A) Cleaning agents that are used to clean equipment and utensils as specified under Part 4-6 of these regulations, must be provided and available for use during all hours of operation.

(2) Filtration and disinfection systems or programs shall be APPROVED by the HEALTH AUTHORITY and followed to maintain the safety and quality of the SHELLSTOCK.

EQUIPMENT

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

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

4-401 Location of Equipment, Clothes Washers and Dryers, and Installation-4-203.11 Storage EQUIPMENT Cabinets, Contamination Prevention

EQUIPMENT

(A) Except as specified in ¶ (B) of this section, equipment, a cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment, utensils, laundered LINEN, and linens, and single-service and single-use articles must not be located:

~~SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES may not be stored:~~

- ~~(1) In locker rooms.~~
- ~~(2) In toilet rooms-restrooms.~~
- ~~(3) In garbage rooms.~~
- ~~(4) In mechanical rooms.~~

- (5) Under sewer lines that are not shielded to intercept potential drips.
- (6) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines whereon which water has condensed.
- ~~(7)~~ Under open stairwells ~~containing steps which are not fully enclosed with backs and sides to prevent debris from falling onto the items stored below the open stairwell, or~~
- ~~(7)~~(8) Under other sources of contamination.

~~4-203.12~~ **Stationary EQUIPMENT that is Fixed in Place**

- ~~(B)~~ A storage cabinet used for linens or single-service or single-use articles may be stored in a locker room.
- ~~(C)~~ If a mechanical clothes washer or dryer is provided, it must be located so that the washer or dryer is protected from contamination and only where there is no exposed food, clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

~~4-402~~ **Installation**

~~4-402.1~~ **Fixed Equipment, Spacing or Sealing**

- (A) Equipment that is fixed ~~in place,~~ because it is not easily ~~MOVEABLE,~~ shall be movable must be installed so that it is:

- (1) Spaced to allow access for cleaning along the sides, behind, and above the equipment.

~~(A)~~ ~~Flashed and SEALED.~~

- (2) Spaced from adjoining equipment, walls, and ceilings, ~~at a distance of not more than one thirty-second inch or 1/32,~~ with the space being SEALED. Caulking may not be used for spaces greater than 1/8", millimeter, or

~~4-203.13~~ **Table**

- (3) Sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.

Counter-mounted equipment that is not easily ~~MOVEABLE~~

- (B) ~~Table or COUNTER-MOUNTED EQUIPMENT, that is not EASILY MOVEABLE, shall~~ movable must be installed to allow cleaning of the equipment, and areas underneath and around the equipment by being: ~~SEALED to the surface~~

- (1) Sealed, or,

- (2) Elevated at least 4" on legs, as specified under ¶ 4-402.2(D).

~~4-203.14~~ **Floor Mounted EQUIPMENT that is not EASILY MOVEABLE**

~~Floor mounted EQUIPMENT that is not EASILY MOVEABLE shall be SEALED to the~~

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

- (A) Except as specified in ¶¶ (B) and (C) of this section, floor-, mounted equipment that is not easily movable must be sealed to the floor or elevated on legs that provide at least a 6"-inch (15 centimeter) clearance between the floor and the equipment.
- (B) If no part of the floor under the floor-mounted equipment is more than 6 inches (15 centimeters) from the point of cleaning access, the clearance space may be only 4 inches (10 centimeters).
- ~~(A)~~(C) This section does not apply to display shelving units, display refrigeration units, and display freezer units located in the consumer shopping areas of a retail food store, provided if the floor under the units is maintained clean.

EQUIPMENT Maintenance,

~~(D) Except as specified in ¶ (E) of this section, counter-mounted equipment that is not easily movable must be elevated on legs that provide at least a 4-inch (10 centimeter) clearance between the table and the equipment.~~

~~(E) The clearance space between the table and counter-mounted equipment may be:~~

~~(1) 3 inches (7.5 centimeters) if the horizontal distance of the tabletop under the equipment is no more than 20 inches (50 centimeters) from the point of access for cleaning, or~~

~~(2) 2 inches (5 centimeters) if the horizontal distance of the tabletop under the equipment is no more than 3 inches (7.5 centimeters) from the point of access for cleaning.~~

4-5	Maintenance and Operation
Subparts	
4-501	Equipment
4-502	Utensils and Measuring Devices

~~4-501 Equipment~~

~~4-203 Good Repair, and/or Replacement~~

~~4-501.1 4-204.11 General EQUIPMENT Proper Adjustment, Repair, and/or Replacement~~

~~EQUIPMENT shall~~

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

~~(B) Equipment components, including but not limited to such as doors, seals, gaskets, hinges, fasteners, and kick plates shall must be kept intact, tight, and adjusted in accordance with manufacturer's manufacturer's specifications.~~

~~(C) Cutting or piercing parts of can openers shall must be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.~~

~~(A) Surfaces of EQUIPMENT, including but not limited to drawers and shelves, shall not be lined with aluminum foil, except for drip pans and back splashes of cooking EQUIPMENT, provided the foil is routinely replaced.~~

~~4-501.2 Cutting Surfaces~~

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

~~4-501.3 Microwave Ovens~~

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

~~4-501.4 Warewashing Equipment, Cleaning Frequency~~

~~(B) A warewashing machine; the compartments of sinks, basins, WARE WASHING machines, or other receptacles used for washing and rinsing equipment, utensils, or raw FOOD shall be installed and maintained according to the manufacturer's specifications;~~

~~(1) Faucets shall be capable of shutting off water flow completely.~~

~~(2) Valves shall close tightly to prevent seepage.~~

~~Automated dispensing systems shall be located and maintained to prevent CONTAMINATION of clean items from leaks, drips, foods, or spills of cleaning agents; laundering wiping cloths; and drainboards or other dispensed chemicals; equipment used to substitute for drainboards as specified under § 4-301.3 must be cleaned;~~

~~4-204.12 Three Compartment Sinks for WARE WASHING~~

- ~~(A) Monitoring water temperature and sanitizer concentration:
 - ~~(1) A TEMPERATURE MEASURING DEVICE shall be provided and readily accessible for frequently measuring the temperature of water used for washing and sanitizing.~~
 - ~~(2) Sanitizer test strips, a test kit, or other device that accurately measures the concentration in ppm of chemical sanitizers, shall be provided and readily accessible for frequently measuring the concentration of chemical sanitizing solutions.~~~~
- ~~(B) Wash solution temperature: The temperature of the wash solution in manual WARE WASHING EQUIPMENT shall be maintained at not less than 110°F±2°, or at a temperature as specified by the manufacturer of the cleaning agent.~~
- ~~(C) Hot water SANITIZATION temperature: If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at 171°F±2° or above.~~
- ~~(D) Use of a three compartment sink for cleaning and sanitizing: Cleaning and sanitizing of EQUIPMENT and UTENSILS, by means of a three compartment sink, shall be accomplished by following the procedures listed in Section 4-404 of this Chapter for pre-cleaning, washing, rinsing, sanitizing, and air drying.~~

~~4-204.13 Hand Held, Wand Type, High Pressure Cleaning and Sanitizing Devices~~

~~For high pressure systems with wand type, hand held spraying devices used for the in place cleaning and high temperature sanitizing of EQUIPMENT, including but not limited to MEAT saws, the temperature of the fresh hot water sanitizing rinse, as it enters the manifold, shall be at least 180°F±2°.~~

~~4-204.14 WARE WASHING~~

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

~~4-501.24-501.5 Warewashing Machines, Manufacturers' Operating Instructions~~

- ~~(A) Operation according to manufacturer's instructions and data plate:~~
- ~~(A) A WARE WASHING warewashing machine, and its auxiliary components, shall must be operated in accordance with the machine's machine's data plate and other manufacturer's manufacturer's instructions, including, but not limited as follows:~~
- ~~(B) A WARE WASHING machine's warewashing machine's conveyor speed or automatic cycle times shall must be maintained accurately timed in accordance with the manufacture's manufacturer's specifications.
 - ~~(a) A WARE WASHING machine shall be repaired using factory authorized parts. All repairs shall restore the machine's operation to its original design, according to manufacturer's specifications. Factory authorized convertible machines shall be converted by factory authorized technicians, using the manufacturer's recommended procedures and parts.~~
 - ~~(b) If an APPROVED chemical sanitizing machine is converted to an APPROVED high temperature sanitizing machine, adequate ventilation shall be provided to facilitate removal of steam and condensation.~~
 - ~~(c) If an APPROVED high temperature sanitizing machine is converted to a chemical sanitizing machine, factory authorized pumps shall be installed to deliver the adequate amount of sanitizer.~~
 - ~~(d) Adequate orifice size and construction material of spray nozzles shall be verified on every conversion or repair.~~
 - ~~(e) The wash solution shall be maintained at the temperatures required in this section and free of excessive build up of debris.~~
 - ~~(f) The sanitizer solutions shall be maintained clean and at required temperatures.~~~~

~~(B) — Drain boards and draining EQUIPMENT:~~

~~A WARE WASHING machine and its drain boards, or other EQUIPMENT used to supplement integral drain boards, shall be cleaned:~~

~~(1) — Before use.~~

~~(2) — Throughout the day at a frequency necessary to prevent re-CONTAMINATION of EQUIPMENT and UTENSILS, and to ensure that the EQUIPMENT performs its intended function.~~

~~(C) — Wash solution temperature:~~

~~(1) — The temperature of the wash solution for spray-type ware washers, that use hot water to sanitize, shall not be less than:~~

~~(a) — 165°F±2° for a stationary rack, single temperature machine.~~

- (b) ~~150°F±2° for a stationary rack dual temperature machine.~~
- (c) ~~160°F±2° for a single tank, conveyor dual temperature machine.~~
- (d) ~~150°F±2° for a multi tank, conveyor multi temperature machine.~~
- (2) ~~The temperature of the wash solution in spray type ware washers that use chemicals to sanitize may not be less than 120°F±2°.~~

4-501.6 Warewashing Sinks, Use Limitation

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

4-501.34-501.7 Warewashing Equipment, Cleaning Agents:

When used for ~~WARE WASHING, the~~warewashing, the wash compartment of a sink, mechanical ~~ware washer-~~warewasher, or wash receptacle of alternative manual warewashing equipment as specified in ¶ 4-301.2(C), must contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner, or other cleaning agent according to the cleaning agent manufacturer's manufacturer's label instructions.

- (D) ~~Hot water SANITIZATION temperature and pressure:~~

4-501.8 Warewashing Equipment, Clean Solutions

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

4-501.9 Manual Warewashing Equipment, Wash Solution Temperature

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

4-501.10 Mechanical Warewashing Equipment, Wash Solution Temperature

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

4-501.11 Manual Warewashing Equipment, Hot Water Sanitization Temperatures

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

4-501.12 Mechanical Warewashing Equipment, Hot Water Sanitization Temperatures

(A) ~~Except as specified in ¶ (B) of this section, in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold of a WARE WASHING machine, shall~~ must not be more than 194 °F ~~±2°, (90 °C),~~ or less than:

(1) ~~165°F±2°~~ For a stationary rack, single temperature machine, ~~165 °F (74 °C), or~~

(2) ~~180°F±2°~~ For all other machines, ~~180 °F (82 °C).~~

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

4-501.13 Mechanical Warewashing Equipment, Sanitization Pressure

(1) ~~The flow pressure of the fresh hot water sanitizing rinse in a WARE WASHING machine shall not be less than 15 pounds per square inch (psi) nor more than 25 psi as measured with a pressure gauge or similar device including but not limited to a transducer that measures and displays the water pressure:~~

(a) ~~In increments not greater than 1 psi.~~

~~With an accuracy of ±2 psi in the operational range (15-25 psi) warewashing machine, as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control valve, must be within the range specified on the machine manufacturer's data plate and must not be less than 5 pounds per square inch (35 kilopascals) or more than 30 pounds per square inch (200 kilopascals).~~

(b) ~~If the flow pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device shall be mounted in a 1/4" iron pipe size (IPS) valve.~~

(2) ~~Monitoring high temperature WARE WASHING machines: The temperature of a high temperature WARE WASHING machine shall be frequently and accurately determined by an irreversible registering thermometer or a temperature sensitive tape.~~

(E) ~~Chemical sanitizer temperature and concentration:~~

~~APPROVED sanitizers: Only~~

4-501.44-501.14 Manual and Mechanical Warewashing Equipment, Chemical Sanitization-~~Temperature, pH, Concentration, and Hardness~~

(1) ~~A chemical sanitizer as specified in 21 CFR 178.1010, Sanitizing Solutions, and used in accordance with the EPA APPROVED manufacturer's label instructions shall be used in used in a sanitizing solution for a WARE WASHING machine.~~

~~Chlorine sanitizers: A chlorine sanitizing solution for a WARE WASHING machine shall be applied manual or mechanical operation at a concentration of at least 50 ppm, but not more than 100 ppm, or at a concentration as contact times specified under ¶(4-702(C) must meet the criteria specified by the manufacturer, under §7-204.1 Sanitizers, Criteria, must be used in accordance with the EPA-registered label use instructions, and must be used as follows:~~

~~Iodine sanitizers: An iodine sanitizing~~

(2) ~~A chlorine solution for a WARE WASHING machine shall~~ must have:

(A) ~~A~~ A minimum temperature based on the concentration and pH of the solution as listed in the following chart,

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

~~at least~~

(B) ~~An iodine solution must have a:~~

Commented [CS43]: Comment: This section is currently written up as a Major violation but here it is a Priority Item. Needs to be Pf if it is the same as current enforcement. -Cara Evangelista 9/2/22

Commented [CS44R43]: The designations of P and Pf have been removed throughout this regulation.

- (1) Minimum temperature of 68 °F (20 °C).
- (2) pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective, and
- (3) Concentration between 12.5 ppm, but not more than 25 ppm, or at MG/L and 25 MG/L.

(C) A quaternary ammonium compound solution must:

- (1) Have a minimum temperature of 75 °F (24 °C).
- (a) Have a concentration as specified by the manufacturer.
- (2) A pH under § 7-204.1 and temperature as indicated by the manufacturer's use directions included in the labeling, and
- (3) Be used only in water with 500 MG/L hardness or less or in water having a hardness no greater than specified by the manufacturer-EPA-registered label use instructions.

Quaternary ammonium sanitizers:

(D) If another solution of a chemical specified under ¶¶ (A)-(C) of this section is used, the permit holder must demonstrate to the Health Authority that the solution achieves sanitization and the use of the solution must be approved.

(E) If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound for use in a WARE WASHING machine shall be used, it must be applied in accordance with the EPA-registered label use instructions, and

- (b) Labeled by the manufacturer as suitable for use in a WARE WASHING machine
- (c) Used only within the water temperature and water hardness limits as specified by the manufacturer.

(F) If a chemical sanitizer is generated by a device located on-site at the food establishment it must be used as specified in ¶¶(A)-(D) of this section and must be produced by a device that:

- (1) Complies with Regulation as specified in §§ 2(q)(1) and 12 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- (2) Complies with 40 CFR 152.500 Requirement for Devices and 40 CFR 156.10 Labeling requirements.
- (3) Displays the EPA device manufacturing facility registration number on the device, and
- (4) Is operated and maintained in accordance with manufacturer's instructions.

4-501.15 Manual Warewashing Equipment, Chemical Sanitization Using Detergent sanitizers- Sanitizers

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

~~Other APPROVED sanitizers: A sanitizer listed in 21 CFR 178.1010, Sanitizing Solutions, but not covered under Section 4-204.14 (F) (1-5)~~

4-501.16 Warewashing Equipment, Determining Chemical Sanitizer Concentration

- (3) Concentration of this Chapter shall be prepared and used in accordance with the manufacturer's directions included in the labeling. If a concentration or formulation not listed in 21 CFR 178.1010,

~~Sanitizing Solutions, is to be used, the PERMIT HOLDER shall demonstrate to the HEALTH AUTHORITY that the solution achieves effective SANITIZATION, and that sanitizer concentrations can be monitored by an accurate and easily usable method.~~

Monitoring chemical sanitizer concentration: The concentration of a chemical sanitizing solution shall must be frequently and accurately determined by using a test kit or other APPROVED device.

~~(4) Use of WARE WASHING machines for cleaning and sanitizing: Cleaning and sanitizing of EQUIPMENT and UTENSILS, using a WARE WASHING machine, shall be accomplished by following the procedures listed in Section 4 405.11 of this Chapter for pre cleaning, washing, rinsing, sanitizing, and air drying.~~

~~4-301 Standards for Sanitation, and General Design and Construction Criteria~~

~~4-301.11 General Design and Construction of UTENSILS,~~

~~4-502 Utensils and Measuring and Testing Devices~~

~~UTENSILS and measuring and testing devices shall meet the following criteria:~~

- ~~(A) Multi-use UTENSILS, and measuring and testing devices, shall be:~~
- ~~(1) Finished to have SMOOTH, EASILY CLEANABLE surfaces.~~
 - ~~(2) Free of rough welds or joints, breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections.~~
 - ~~(3) Free of "V" type threads, and sharp internal angles, corners, and crevices.~~
 - ~~(4) Accessible, without requiring disassembly by use of power tools or specialized hand tools, for cleaning and inspection.~~
 - ~~(5) Made of materials that do not allow the migration of harmful substances, impart colors, odors, or tastes to FOOD and materials that are:~~
 - ~~(a) Safe.~~
 - ~~(b) Non absorbent and made of CORROSION RESISTANT MATERIAL.~~
 - ~~(c) Durable and sufficient in weight and thickness to withstand repeated WARE WASHING.~~
 - ~~(d) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.~~
- ~~(B) SINGLE USE ARTICLES and SINGLE SERVICE UTENSILS shall be:~~
- ~~(1) Safe and clean.~~
 - ~~(2) Made of materials that do not allow the migration of harmful substances or impart colors, odors, or tastes to FOOD.~~

~~4-301.12 Standards for Sanitation~~

~~UTENSILS, and measuring and testing devices, that meet or exceed the standards for sanitation established by the AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI), shall be used in a Clark County FOOD ESTABLISHMENT.~~

~~4-301.13 UTENSILS, and Measuring and Testing Devices not Certified for Sanitation~~

~~UTENSILS, and measuring and testing devices, not certified as meeting NSF/ANSI sanitation standards shall:~~

- ~~(A) Comply with all general design and construction criteria as listed in Section 4-201.11 of this Chapter, or:~~
- ~~(B) Not be used without prior written approval from the HEALTH AUTHORITY, which may include:~~
- ~~(1) Requirements for, and results of, laboratory field testing.~~
 - ~~(2) Specific use limitations based on identified RISK factors.~~

~~4-301.14 Limited Uses of Materials not Compliant with NSF/ANSI Standards~~

~~UTENSILS made with materials that do not comply with general NSF/ANSI standards shall only be used in a FOOD ESTABLISHMENT for the following limited uses:~~

- ~~(A) Cast iron may be present in a FOOD CONTACT SURFACE of a UTENSIL that can be maintained clean, and in a rust free condition.~~
- ~~(B) Lead may be present in a FOOD CONTACT SURFACE of a UTENSIL in:~~
- ~~(1) Pewter alloys containing lead not in excess of 0.05%.~~
 - ~~(2) Solder and flux containing lead not in excess of 0.2%.~~
 - ~~(3) Ceramic, china, crystal UTENSILS, and decorative UTENSILS including but not limited to hand painted ceramic, or china with levels of lead not exceeding those listed in the following table:~~
~~*1 ppm is equivalent to 1 mg/L~~
- ~~(C) Copper and copper alloys, including but not limited to brass:~~
- ~~(1) May be used as a FOOD CONTACT SURFACE only in EQUIPMENT or UTENSILS that will not be in contact with a highly acidic FOOD including but not limited to vinegar, fruit JUICE, or wine.~~
 - ~~(2) May be used in contact with beer brewing ingredients in the pre-fermentation and fermentation steps of a beer brewing operation including but not limited to a brew pub or microbrewery.~~
- ~~(D) Metal UTENSILS, coated with porcelain or organic resins, shall comply with NSF/ANSI standards.~~

~~(E) Wood and wood wicker shall not be used as a FOOD CONTACT SURFACE for UTENSILS, except for hard maple or an equivalent hard, close-grained wood that is maintained in a SMOOTH and EASILY-CLEANABLE condition or as specified in Section 4-201.15 (E) of this Chapter.~~

~~(F) Glass sensors, or stems of FOOD TEMPERATURE MEASURING DEVICES, may be used if they are encased in a shatterproof coating, such as candy thermometers.~~

~~4-302 Use of UTENSILS, TEMPERATURE MEASURING DEVICES, and Testing Devices~~

~~4-302.11 UTENSIL Maintenance and Repair or Replacement~~

~~4-502.1 UTENSILS shall Good Repair and Calibration~~

~~(A) Utensils must be maintained in a state of repair or condition that complies with the requirements in Sections specified under Parts 4-201 of this Chapter, 1 and 4-2 or shall must be discarded.~~

~~4-302.12 Availability of UTENSILS for Customer Self-Service~~

~~(A) A FOOD dispensing UTENSIL shall be available for each container displayed at a CONSUMER self-service unit including but not limited to a buffet or a salad bar.~~

~~(B) Tethers for UTENSILS, used for bulk FOOD, shall be easily removable for cleaning.~~

~~4-302.13 FOOD TEMPERATURE MEASURING DEVICES~~

~~FOOD TEMPERATURE MEASURING DEVICES shall be:~~

~~(A) Provided and readily accessible for use in ensuring attainment and maintenance of required FOOD temperatures.~~

~~(B) Designed and sized appropriately for intended use.~~

~~Calibrated, to:~~

~~(B) Food temperature measuring devices must be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy, in accordance with manufacturer's specifications.~~

~~4-302.14 Non-FOOD Temperature and Pressure Measuring Devices~~

~~(C) Measuring devices for monitoring Ambient air temperature, water pressure, and water temperature shall measuring devices must be maintained in good repair and be accurate within the intended range of use.~~

~~4-302.15 SINGLE SERVICE ARTICLES~~

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

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

~~4-502.14-502.3 Single-Service and Single-Use Articles, Use Limitation~~

~~SINGLE SERVICE ARTICLES~~

~~(A) Single-service and single-use articles shall must not be re-used reused.~~

~~4-302.16 Bulk Milk Container Dispensing Tubes, Method of Cutting~~

~~(B) To prevent accumulation of un-chilled milk, The bulk milk container dispensing tube shall must be cut on the diagonal, at an angle of approximately 45°, leaving no more than 1" one inch protruding from the chilled dispensing head.~~

~~4-502.24-502.4 4-302.17 Molluscan and Crustacean Shells, Use Limitations Limitation~~

~~Molluscan~~

~~Mollusk and crustacean crustacea shells shall must not be used more than once as serving containers for FOOD.~~

~~Cleaning and Sanitizing~~

~~4-401.11 Frequency of Cleaning and Sanitizing FOOD CONTACT SURFACES~~

~~EQUIPMENT, FOOD CONTACT SURFACES, and FOOD CONTACT SURFACES of UTENSILS shall be maintained~~

4-6 Cleaning of Equipment and Utensils

Subparts

- 4-601 Cleaning Objective for Equipment , Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils**
- 4-602 Frequency**
- 4-603 Methods**

4-601 Cleaning Objective for Equipment, Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils

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

4-602 Frequency

4-602.1 Equipment Food-Contact Surfaces and Utensils

- (A)** ~~Equipment, food-contact surfaces, and utensils must be cleaned:~~
 - (1)** ~~Except as specified in ¶ (B) of this section, before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry,~~
 - (1)(2)** ~~Each time there is a change from working with raw FOODfoods to working with ready-to-eat FOODfoods,~~
 - (2)(3)** ~~Between uses with raw fruits and vegetables and with POTENTIALLY HAZARDOUS FOOD (TCS) food,~~
 - (3)(4)** ~~Before using or storing a food temperature measuring device, and~~
 - (4)(5)** ~~At any time during the operation when contamination may have occurred.~~
- ~~Before each use with a different type of raw animal FOOD including but not limited to beef, FISH, lamb, pork, or POULTRY, except when used for~~
- (B)** ~~Subparagraph (A)(1) of this section does not apply if the utensils and food-contact surfaces of equipment are in contact with a succession of different types of raw animal FOODmeat and poultry each requiring a higher cooking temperature than the previous FOOD, including but not limited to preparing raw FISH, followed by cutting raw POULTRY on the same cutting boardas specified under § 3-401.1 than the previous type.~~
- ~~When~~
- (C)** ~~Except as specified in use, ¶ (D) of this section, if used with TCS food, utensils and food-contact surfaces of equipment must be cleaned throughout the day at least every four hours except:~~
 - (1)** ~~FOOD-CONTACT SURFACES located in a room maintained at 50°F±2°, or less shall be cleaned and sanitized at least every 16 hours.~~

(D) Surfaces of utensils and equipment contacting TCS food may be cleaned less frequently than every four hours if:

(1) In storage, containers of TCS food and their contents are maintained at temperatures specified under Chapter 3 and the containers are cleaned when they are empty,

(4)(2) Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one of the temperatures in the following chart, and:

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

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

(b) The cleaning frequency based on the ambient temperature of the refrigerated room, or area, is documented in the food establishment.

(3) Containers in serving situations including but not limited to such as salad bars, delis, and cafeteria lines that hold ready-to-eat PHF (TCS) maintained at temperatures TCS food that is maintained at the temperatures specified under Chapter 3, are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned at least every 24 hours,

~~(2) Temperature measuring devices are maintained in contact with food, such as specified in Chapter 3 of these Regulations shall be cleaned and sanitized every 24 hours.~~

(2)(4) TEMPERATURE MEASURING DEVICES that are maintained in contact with FOOD including but not limited to when left in a container of deli food, or in a roast, and held at temperatures specified in Chapter 3 of these Regulations, shall be cleaned and sanitized whenever the FOOD container is cleaned and sanitized under Chapter 3,

EQUIPMENT

(3)(5) Equipment is used for storage of packaged or unpackaged food, including but not limited to such as a reach-in refrigerator, shall be and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues,

~~(3) CIP EQUIPMENT shall be cleaned and sanitized in accordance with the methods and frequency specified by the manufacturer, or more frequently if necessary to maintain the EQUIPMENT in a sanitary condition.~~

~~(4) Surfaces of UTENSILS and EQUIPMENT in contact with FOOD that are not potentially HAZARDOUS shall be cleaned:~~

(6) The cleaning schedule is approved based on consideration of:

(a) Characteristics of the equipment and its use,

(b) The type of food involved,

(c) The amount of food residue accumulation, and

(d) The temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne illness, or

(7) In-use utensils are intermittently stored in a container of water in which the water is maintained at 135 °F (57 °C) or more and the utensils and container are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.

(E) Except when dry cleaning methods are used as specified under § 4-603.1, surfaces of utensils and equipment contacting food that is not TCS food must be cleaned:

(1) At any time when contamination may have occurred,

(4)(2) At least every 24 hours for iced tea dispensers and consumer self-service utensils including but not limited to such as tongs, scoops, or ladles,

(5)(3) Before restocking consumer self-service equipment and utensils including but not limited to such as condiment dispensers and display containers, and
EQUIPMENT including but not limited to ice bins and

(6)(4) In equipment such as beverage dispensing nozzles, and enclosed components of equipment including but not limited to ice makers, such as cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, and coffee bean grinders:

(a) At a frequency specified by the manufacturer, or

(b) Absent manufacturer specifications, At a frequency necessary to preclude accumulation of soil, scale, or microbial growth.

(i) Equipment such as ice bins, ice makers, and water vending machines must be cleaned at a frequency necessary to prevent/preclude accumulation of soil or mold.

(7)(5) The FOOD CONTACT SURFACES of baking EQUIPMENT, and cooking EQUIPMENT and pans, shall be cleaned at least every 24 hours or more frequently if necessary to prevent development of encrusted grease deposits and other soil accumulations soil, scale, or microbial growth.

General

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

(1) If the test results in a positive sample, the unit must be taken out of service until such time a follow up test confirms the absence of total coliform.

(2) Records of sampling and analyses must be maintained for a period of not less than 2 years and made available to the Health Authority upon request.

4-602.2 Cooking and Baking Equipment

(A) The food-contact surfaces of cooking and baking equipment must be cleaned at least every 24 hours. This section does not apply to hot oil cooking and filtering equipment if it is cleaned as specified in Subparagraph 4-602.1(D)(6).

(B) The cavities and door seals of microwave ovens must be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.

4-602.3 Nonfood-Contact Surfaces

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

4-603 Methods

4-603.1 ~~4-402.11~~ Dry Cleaning

- (A) If used, dry cleaning methods such as brushing, scraping, and **Sanitizing FOOD CONTACT SURFACES**—This Section mirrors the Food Code—vacuuming must contact only surfaces that are soiled with dry food residues that are not TCS food.
- ~~(A) Sponges and Abrasive Cleaning Articles:~~
- (B) Sponges shall equipment used in dry cleaning food-contact surfaces must not be used for cleaning FOOD-CONTACT SURFACES, EQUIPMENT, or UTENSILS in any other purpose.
FOOD ESTABLISHMENT.
- ~~(1) Abrasive articles shall not be used to clean non-stick cook ware or KITCHENWARE that has a non-stick resin coating, including but not limited to frying pans, griddles, sauce pans, cookie sheets, and waffle bakers.~~
- ~~(B) EQUIPMENT, FOOD-CONTACT SURFACES, and UTENSILS shall be effectively washed, rinsed, sanitized, and air dried by using manual or mechanical means as follows:~~
- ~~(1) Pre-cleaning and washing of soiled EQUIPMENT and UTENSILS:~~

4-603.2 Precleaning

- (A) Food debris on equipment and utensils ~~shall~~must be scraped over a ~~waste separator unit or~~ garbage receptacle, or ~~shall~~must be removed in a ~~WARE WASHING~~warewashing machine with a ~~pre-wash~~prewash cycle.
- (B) If necessary for effective cleaning, ~~soiled~~ utensils and equipment ~~shall~~must be ~~pre-flushed, pre-soaked~~rinsed, presoaked, or scrubbed with abrasives ~~that will not damage the surface.~~

- (a) ~~Soiled FOOD CONTACT SURFACES of EQUIPMENT and UTENSILS shall be washed by procedures including but not limited to application of detergents containing wetting agents and emulsifiers, acid, alkaline, or abrasive cleaners, hot water, brushes, scouring pads, high pressure sprays, or ultrasonic devices that are appropriate for the type of soil to be removed, and for the type and purpose of the EQUIPMENT or UTENSIL.~~
- (2) ~~Rinsing of washed EQUIPMENT and UTENSILS:~~
 - (a) ~~Washed UTENSILS and EQUIPMENT shall be rinsed so that abrasives and cleaning chemicals are removed.~~
 - (b) ~~Water used for rinsing shall be changed at a frequency that prevents grease, cleaning agents, or FOOD debris from remaining on the rinsed items.~~
- (3) ~~Sanitizing of washed and rinsed EQUIPMENT and UTENSILS:~~
~~After being washed and rinsed, FOOD CONTACT SURFACES of EQUIPMENT and UTENSILS shall be sanitized by APPROVED manual or mechanical methods, using one of the sanitizers listed in 21 CFR 178.1010, Sanitizing Solutions, and used as follows:~~
 - (a) ~~Chlorine sanitizers: A chlorine sanitizing solution shall be applied at a concentration of at least 50 ppm or a concentration as specified by the manufacturer.~~
 - (b) ~~Iodine Sanitizers: An iodine sanitizing solution shall have a:~~
 - (i) ~~Concentration of at least 12.5 ppm, and not more than 25 ppm.~~
 - (ii) ~~pH and temperature as specified by the manufacturer.~~
 - (c) ~~Quaternary Ammonium Sanitizers: A quaternary ammonium compound shall:~~
 - (i) ~~Be applied at a concentration as specified by the manufacturer.~~
 - (ii) ~~Be used only within the water temperature and water hardness limits as specified by the manufacturer.~~
 - (iii) ~~Not be used in a WARE WASHING machine unless the manufacturer's label specifies such use.~~
 - (d) ~~Applied at the concentration as specified in the current Food Code.~~
 - (e) ~~Detergent Sanitizers: If a detergent sanitizer is used without a distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same detergent sanitizer that is used in the washing step.~~
 - (f) ~~Other APPROVED Sanitizers: A sanitizer listed in 21 CFR 178.1010, Sanitizing Solutions, but is not covered in Section 4-402.11 (B) (3) (a-d) of this Chapter, shall:~~
 - (i) ~~Be applied in accordance with the manufacturer's use directions included in the labeling.~~
 - (ii) ~~Provide effective SANITIZATION. The PERMIT HOLDER shall demonstrate to the HEALTH AUTHORITY that the solution can be monitored by an accurate and easily usable method.~~
- 4. ~~Time of exposure to sanitizers:~~
 - (a) ~~For sanitizing in a three compartment sink, washed and rinsed items shall be immersed in an APPROVED sanitizer solution for at least 30 seconds or as specified by the manufacturer.~~
 - (b) ~~For sanitizing in a WARE WASHING machine, items shall be exposed to the sanitizing solution for a time interval as specified on the data plate or as specified by the manufacturer.~~
 - (c) ~~For sanitizing by other manual operations, including the application of sanitizing solutions by manual swabbing, brushing, or pressure spraying methods, contact with an APPROVED sanitizing solution shall be for at least 30 seconds, or as specified by the manufacturer, or at a lesser time interval that has been documented by laboratory data as yielding effective SANITIZATION.~~
- 5. ~~Monitoring chemical sanitizer concentration:~~
~~The concentration of a chemical sanitizing solution shall be frequently and accurately determined by using sanitizer test strips, a test kit, or other device.~~

Dry Methods

4-403.11 Cleaning

Dry methods for cleaning shall be used only for surfaces not used for PHF (TCS), and:

- (A) If used, dry cleaning methods including but not limited to brushing, scraping, and vacuuming shall contact

only surfaces that are soiled with dry FOOD residues that are not POTENTIALLY HAZARDOUS.

- ~~(B) — Cleaning EQUIPMENT, used in dry cleaning FOOD CONTACT SURFACES, shall not be used for any other purpose.~~

~~Three-Compartment Sinks~~

~~4-404.11 — Cleaning and Sanitizing Procedures~~

- ~~(A) — Use Limitations:~~
- ~~(1) — A three-compartment sink shall not be used at any time for hand washing.~~
 - ~~(2) — If a three-compartment sink is used for WARE WASHING, as well as to wash produce or to thaw FOOD, the sink shall be:~~
 - ~~(a) — Cleaned at least every 24 hours, and before each use for WARE WASHING, and throughout the day at a frequency necessary to prevent re-CONTAMINATION of EQUIPMENT and UTENSILS, and to ensure that the EQUIPMENT performs its intended function.~~
 - ~~(b) — Sanitized as specified in Section 4-402.11 (B) (3) of this Chapter before and after using the sink to thaw FOOD or to wash produce.~~
 - ~~(c) — For WARE WASHING:~~
 - ~~(i) — The wash solution shall be maintained at the temperatures required in this section and free of excessive build-up of debris.~~
 - ~~(ii) — The sanitizer solutions shall be maintained clean and at required temperatures.~~
- ~~(B) — Whenever a three-compartment sink is used for FOOD preparation, including the thawing of FROZEN FOOD, all compartments and drain boards must be cleaned and sanitized prior to use. During the time a three-compartment sink is being used for FOOD preparation, it may not be used for any other purpose.~~
- ~~(C) — Cleaning and sanitizing of EQUIPMENT and UTENSILS: Pre-cleaning, washing, rinsing, and sanitizing in a three-compartment sink shall be accomplished using methods in Section 4-402.11 of this Chapter.~~
- ~~(D) — Maintaining clean wash, rinse, and sanitizing solutions: The wash and rinse compartments in a three-compartment sink shall be changed when substantial amounts debris and grease have accumulated. The sanitizing solutions in a three-compartment sink shall be maintained clean for WARE WASHING.~~
- ~~(E) — Temperature of wash and sanitizing solutions:~~
- ~~(1) — The temperature of the wash solution for manual WARE WASHING shall be maintained at not less than 110°F±2°, or at a temperature specified on the manufacturer's label of the cleaning agent.~~
 - ~~(2) — If immersion in hot water is used for sanitizing, the temperature of the sanitizing water shall be maintained at 171°F±2°, or above.~~
- ~~(F) — Air drying of cleaned and sanitized EQUIPMENT and UTENSILS: EQUIPMENT or UTENSILS that have been properly sanitized, as specified in Section 4-402.11 (B) of this Chapter:~~
- ~~(1) — Shall be air dried, or may be used after adequate draining has occurred, before contact with FOOD.~~
 - ~~(2) — May not be cloth dried except that UTENSILS that have been air-dried may be polished with cloths that are maintained clean and dry.~~
 - ~~(3) — Clean TABLEWARE may be polished with a clean damp cloth used solely for that purpose.~~

~~WARE WASHING Machines~~

~~4-405.11 — Cleaning and Sanitizing Procedures~~

- ~~(A) — Pre-cleaning of soiled EQUIPMENT and UTENSILS:~~
- ~~(1) — For cleaning and sanitizing EQUIPMENT and UTENSILS by use of a WARE WASHING machine, FOOD debris shall be:~~
 - ~~(a) — Scraped into a waste separator unit or a garbage receptacle.~~
 - ~~(b) — Removed in a pre-wash cycle of the WARE WASHING machine.~~
 - ~~(2) — If necessary for effective cleaning, soiled UTENSILS and EQUIPMENT shall be pre-flushed, pre-soaked, or scrubbed with abrasives that will not damage the surface.~~

~~4-603.3 — Loading of Soiled Items, Warewashing Machines~~

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

- ~~(A) — Exposes the items to the unobstructed spray from all cycles, and~~
- ~~(B) — Allows the items to drain.~~
- ~~(B) — Maintenance of wash solution temperature: Wash solution temperature shall be maintained as specified for the type of machine being used:~~

~~In spray type ware washers that use hot water to sanitize, the temperature~~

4-603.4 Wet Cleaning

~~(A) Utensils and food-contact surfaces of equipment must be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.~~

~~(1) The washing procedures selected must be based on the type and purpose of the wash solution shall not be less than:~~

- ~~(a) 165°F±2° for a stationary rack, single temperature machine.~~
- ~~(b) 150°F±2° for a stationary rack, dual temperature machine.~~
- ~~(c) 160°F±2° for a single tank, conveyor, dual temperature machine.~~
- ~~(d) 150°F±2° for a multi tank, conveyor, multi temperature machine.~~

- (2) ~~In spray type ware washers that use chemicals to sanitize, the temperature of the wash solution shall not be less than 120°F±2°.~~
- (C) ~~Maintenance of fluid reservoirs and pumping/tubing systems: Reservoirs and pumping/tubing systems shall be maintained to deliver whatever water conditioners, cleaning agents, and chemical sanitizers as specified by the WARE WASHING machine manufacturer, and at concentrations as specified in these Regulations, or on the product's label.~~
- (D) ~~Temperature and pressure of water for hot water SANITIZATION:~~
 - (1) ~~Cycling time, and water temperature, shall result in the surfaces of UTENSILS reaching at least 160°F±2°, as measured by an irreversible registering thermometer, or temperature sensitive tape, which has traveled through the cleaning and sanitizing cycle with the UTENSILS.~~
 - (2) ~~The temperature of the fresh hot water sanitizing rinse, as it enters the manifold, shall not be more than 194°F±2°, nor less than:~~
 - (a) ~~165°F±2° for a stationary rack, single temperature machine.~~
 - (b) ~~180°F±2° for all other machines.~~
 - (3) ~~The flow pressure of the fresh hot water sanitizing rinse in a WARE WASHING machine may not be less than 15 psi nor more than 25 psi as measured with a pressure gauge or similar device including but not limited to a transducer that measures and displays the water pressure:~~
 - (a) ~~In increments not greater than 1 psi.~~
 - (b) ~~With an accuracy of ±2 psi in the operational range (15-25 psi), as measured in the water line immediately downstream from the fresh hot water sanitizing rinse control valve.~~
 - (c) ~~If the flow pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device shall be mounted in a 1/4" Iron Pipe Size (IPS) valve.~~
- (E) ~~Concentration of Chemical Sanitizer: Chemical sanitizer concentrations shall be maintained as specified on the product label or as specified in Section 4-402.11 (B) of this Chapter.~~
- (A)(B) ~~Air drying of cleaned and sanitized EQUIPMENT and UTENSILS: equipment or UTENSILS that have been properly sanitized as specified in Section 4-402.11 (B) (3) of this Chapter, utensil, and on the type of soil to be removed.~~
 - (1) ~~Shall be air dried, or may be used after adequate draining has occurred, before contact with FOOD.~~
 - (2) ~~Shall not be cloth dried except that UTENSILS that have been air dried may be polished with cloths that are maintained clean and dry.~~
 - (3) ~~Clean TABLEWARE may be polished with a clean damp cloth used solely for that purpose.~~

~~Other WARE WASHING EQUIPMENT~~

~~4-406.11 Cleaning and Sanitizing~~

~~4-603.14-603.5 Washing, Procedures for Alternative Manual Warewashing Equipment~~

If washing in sink compartments or a ~~WARE WASHING~~warewashing machine is impractical, ~~including but not limited to such as~~ when the equipment is fixed, or the utensils are too large, washing ~~shall~~must be done by using alternative manual ~~WARE WASHING EQUIPMENT~~warewashing equipment as specified in ¶ 4-301.2(C) in accordance with the following procedures:

~~EQUIPMENT shall~~

- (A) ~~Equipment must~~ be disassembled as necessary to allow access of the detergent solution to all ~~FOOD-CONTACT SURFACES~~parts,
- (B) Equipment components and utensils ~~shall~~must be scraped or rough cleaned to remove food particle accumulation, ~~and~~

~~(A) Equipment and utensils shall~~must be washed as specified ~~in Section under ¶ 4-402.11 of this Chapter.~~

~~FOOD Contact EQUIPMENT and UTENSILS~~

~~(C) 603.4-407.11 Sanitizing(A).~~

~~4-603.24-603.6 Rinsing Procedures~~

~~EQUIPMENT~~

- (A) ~~Washed utensils and UTENSILS that are used repeatedly for contact with FOOD shall~~equipment must be:
 - (1) ~~Replaced, or washed, rinsed, sanitized, so that abrasives are removed, and air dried, at a frequency as specified in Section 4-401.11 of this Chapter.~~

~~(2) Wiped with a clean, sanitized cloth whenever time does not permit effective air drying before the next use. Sanitized cloths shall test at APPROVED concentrations when not stored in a cleaning chemicals are removed or diluted, through the use of water or a detergent-sanitizer solution.~~

~~(B) Sanitizer solutions for use with in-use EQUIPMENT and UTENSILS shall be:~~

~~Prepared at a frequency that maintains APPROVED sanitizer concentrations as verified by the use using one of the appropriate test strip following procedures:~~

~~(1) Held in a working containers that are clearly and durably labeled in English with the common name of the material in accordance with Chapter 7 102.11 of these Regulations. Other applicable languages may be used in addition to the English name.~~

- ~~(2) Stored:~~
 - ~~(a) In APPROVED buckets or spray bottles.~~
 - ~~(b) Where spills, splashes, and sprays will not cause CONTAMINATION of FOOD or FOOD CONTACT SURFACES.~~

~~Used in accordance with exposure times-~~

~~(A) Use of a distinct, separate water rinse after washing and before sanitizing if using:~~

- ~~(1) A three-compartment sink,~~
- ~~(2) Alternative manual warewashing equipment equivalent to a three-compartment sink as specified in ¶ 4-301.2(C), or~~
- ~~(3) A three-step washing, rinsing, and sanitizing procedure in a warewashing system for CIP equipment,~~

~~(B) Use of a detergent-sanitizer as specified under § 4-501.15 if using:~~

- ~~(3) Alternative warewashing equipment as specified in Section 4-402.11 (B) (¶ 4) of this Chapter.~~

~~FOOD Testing or Measuring Devices~~

~~4-408.11 Probe or Measuring Device Sanitizing Procedures~~

- ~~(1) Before and after each use, FOOD contact probes or thermometers and other FOOD testing and measuring devices shall be wiped with an APPROVED 301.2(C) that is approved for use with a detergent sanitizer and air dried. For this purpose only, swabs containing 70% ethyl alcohol or isopropyl alcohol may be used as a sanitizer, or~~

~~Returns for Refilling~~

~~4-409.11 Cleaning and Sanitizing Procedures~~

~~Returned empty containers that are to be refilled for the sale of non-POTENTIALLY HAZARDOUS BEVERAGES:~~

- ~~(A) Shall be cleaned, rinsed, and sanitized in a FOOD PROCESSING ESTABLISHMENT if the container is to be reSEALED to make the FOOD PRE PACKAGED. Examples include, but are not limited to, glass bottles to be refilled with beer, water, or soft drinks.~~
- ~~(B) May, if the container is free of visible dirt or FOOD residue, be refilled for immediate return to the customer, provided that the act of refilling does not pose a RISK of CONTAMINATION in the FOOD service area. Examples include, but are not limited to:~~
 - ~~(1) Cups to be refilled at customer request with coffee or soft drinks.~~
 - ~~(2) "Growlers" or other containers to be refilled at customer request with beer.~~
 - ~~(3) Containers provided by customers for refilling with water at self service VENDING MACHINES.~~

~~NON-FOOD CONTACT SURFACES~~

~~4-410.11 Cleaning Procedures~~

~~NON-~~

- ~~(2) A warewashing system for CIP equipment,~~

~~(C) If using a warewashing machine that does not recycle the sanitizing solution as specified under ¶ (D) of this section, or alternative manual warewashing equipment such as sprayers, use of a non-distinct water rinse that is:~~

- ~~(1) Integrated in the application of the sanitizing solution, and~~
- ~~(2) Wasted immediately after each application, or~~

~~(D) If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a non-distinct water rinse that is integrated in the application of the sanitizing solution.~~

4-7 Sanitization of Equipment and Utensils

Subparts

- 4-701 Sanitization Objective for Food-Contact Surfaces and Utensils**
- 4-702 Hot Water and Chemical Sanitization Methods**

4-701 Sanitization Objective for Food-Contact Surfaces and Utensils

4-701.1 Frequency Before Use After Cleaning

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

4-702 Hot Water and Chemical Sanitization Methods

After being cleaned, utensils and food-contact surfaces of equipment and UTENSILS shall be kept free of an accumulation of dust, dirt, FOOD residue, and other debris, and shall be cleaned at a frequency necessary to prevent accumulation of soil residues. must be sanitized in:

- (A) Hot water manual operations by immersion for at least 30 seconds and as specified under § 4-501.11.
- (B) Hot water mechanical operations by being cycled through equipment that is set up as specified under §§ 4-501.5, 4-501.12, and 4-501.13 and achieving a utensil surface temperature of 160 °F (71 °C) as measured by an irreversible registering temperature indicator, or
- (C) Chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under § 4-501.14. Contact times must be consistent with those on EPA-registered label use instructions by providing:
 - (1) Except as specified under Subparagraph (C)(2) of this section, a contact time of at least ten (10) seconds for a chlorine solution specified under ¶ 4-501.14(A).
 - (2) A contact time of at least seven seconds for a chlorine solution of 50 mg/L that has a pH of 10 or less and a temperature of at least 100°F (38°C) or a pH of 8 or less and a temperature of at least 75°F (24°C).
 - (3) A contact time of at least 30 seconds for other chemical sanitizing solutions, or
 - (4) A contact time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields sanitization as defined in ¶ 1-201.

4-8 Laundering

Subparts

- 4-801 Laundering Objective for Clean Linens**
- 4-802 Frequency Specifications**
- 4-803 Methods**

4-801 Laundering Objective for Clean ~~LINEN~~ Linens

4-501.11 Maintenance

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

–Soiled LINEN

4-502.11 Handling

~~Wiping cloths shall be removed from use when~~

4-802 Frequency Specifications

- (A) ~~Linens that do not come in direct contact with food must be laundered between operations if they have become contaminated, wet, sticky, or~~ visibly soiled, ~~or sticky.~~
- (B) Cloth gloves used as specified in ~~Chapter ¶ 3-304.15-5(D) of these Regulations shall not~~ must be ~~laundered before being~~ used with ~~more than one a different~~ type of raw animal food, ~~including but not limited to such as~~ beef, fish, lamb, pork, ~~or FISH before being discarded for LAUNDERing or poultry.~~
- ~~LINEN and napkins~~
(C) ~~Linens~~ that are used as specified in ~~Chapter under § 3-304.13 of these Regulations~~ and cloth napkins shall ~~must~~ be ~~used only once before being discarded for LAUNDERing~~ ~~laundered between each use.~~
- (D) ~~Wet wiping cloths must be laundered daily.~~
- (E) ~~Dry wiping cloths must be laundered as necessary to prevent contamination of food and clean serving utensils.~~

4-803 Methods

4-803.1 Storage of Soiled Linens

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

Frequency

~~4-503.11 LAUNDERing~~

- (A) ~~LINEN that does not come in direct contact with FOOD shall be LAUNDERed between operations when they become wet, sticky, or visibly soiled.~~

4-803.2 Cloth gloves used Mechanical Washing

- (A) ~~Except as specified in Chapter 3-304.15 (D) of these Regulations shall ¶ (B) of this section, linens must be mechanically washed.~~
- ~~(A)(B)~~ In food establishments in which only wiping cloths are laundered as specified in ¶4- 301.5(B), the wiping cloths may be laundered before being used with a different type of raw animal FOOD including but not limited to beef, lamb, pork, in a mechanical washer, sink designated only for laundering wiping cloths, or a warewashing or ~~FISH~~ food preparation sink that is cleaned as specified under § 4-501.4.

- ~~(B) LINEN and napkins that are used, as specified in Chapter 3-304.13 of these Regulations, and cloth napkins shall be LAUNDERed between each use.~~
- ~~(C) Wet wiping cloths shall be LAUNDERed daily.~~
- ~~(D) Dry wiping cloths shall be LAUNDERed as necessary to prevent CONTAMINATION of FOOD and clean serving UTENSILs.~~

Method of Washing 4-504.11

~~—Mechanical Washing~~

~~LINEN shall be mechanically washed.~~

Facilities

~~4-803.14-803.3~~ **4-505.11 Use of Laundry Facilities**

- ~~(A) Except as specified in ¶ (B) of this section, laundry facilities within the premises of a food establishment shall not must be used only for the washing and drying of items that are not used in the operation of the establishment.~~
- ~~(B) Separate laundry facilities that provide located on the premises for the purpose of general laundering for other types of establishments, including but not limited to hotels and casinos, such as for institutions providing boarding and lodging may also be used for laundering food establishment items.~~
 - ~~(A) Washers and dryers used to LAUNDER wiping cloths or LINEN, shall be cleaned, if used, at least every 24 hours, and:

 - ~~(1) Before use.~~
 - ~~(2) Throughout the day at a frequency necessary to prevent re-CONTAMINATION of EQUIPMENT and UTENSILs.~~~~

~~4-601—~~

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

4-901 Drying

4-901.1 ~~4-601.11~~ EQUIPMENT, UTENSILs, Equipment and LINEN Utensils, Air-Drying Required

- ~~(A) EQUIPMENT and UTENSILs and LINEN that have been properly sanitized, as specified in Section 4-402.11 (B) (3) of this Chapter and in 40 CFR 180.940:~~

After cleaning and sanitizing, equipment and utensils:

- ~~(A) Shall be air-dried or may be used after adequate draining has occurred as specified in the first paragraph of 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions), before contact with food, and~~
- ~~Shall~~
- ~~(B) May not be cloth dried except that TABLEWARE utensils that has have been air-dried may be polished with cloths that are maintained clean and dry. Other procedures for polishing TABLEWARE may be submitted to the HEALTH AUTHORITY for approval.~~
- ~~(B) LAUNDERed wiping cloths shall be:

 - ~~(1) Stored in a dry condition.~~
 - ~~(2) Stored in a sanitizing solution for use at the workstation.~~~~

~~4-602—~~

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

Wiping cloths laundered in a food establishment that does not have a mechanical clothes dryer as specified in ¶ 4-301.5(B) must be air-dried in a location and in a manner that prevents contamination of food, equipment, utensils, linens, and single-service and single-use articles and the wiping cloths. This section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified under § 4-501.14.

4-902 Lubricating and Reassembling

~~4-602.11~~ **FOOD CONTACT SURFACES and EQUIPMENT**

~~4-902.1~~ **Only lubricants that are FOOD GRADE, Food-Contact Surfaces**

Lubricants as specified in Chapter under § 7-205.11 of these Regulations, shall must be applied to food-contact surfaces, that require lubrication in a manner that does not contaminate the food-contact surfaces.

~~EQUIPMENT shall~~

~~4-902.2~~ **Equipment**

Equipment must be reassembled so that food-contact surfaces are not contaminated after cleaning and sanitizing.

4-903 ~~4-603~~ Storing

~~4-603.11~~ **Cleaned EQUIPMENT, UTENSILS, Equipment, Utensils, Linens, and LINEN**

~~4-903.1~~ **Cleaned EQUIPMENT, Single- Service and UTENSILS, LAUNDERed LINEN, Single-Use Articles**

(A) Except as specified in ¶ (D) of this section, cleaned and SINGLE-SERVICEsanitized equipment and SINGLE-USE-ARTICLES shallutensils, laundered linens, and single-service and single-use articles must be stored:

(1) In a clean, dry location,

~~(1)(2)~~ Where they are not exposed to splash, dust, or other contamination, and

~~KITCHENWARE~~

(3) At least 6 inches (15 cm) above the floor.

(B) Clean equipment and utensils that are clean and dry shallmust be stored as specified under ¶ (A) of this section and must be stored:

(1) In a self-draining position that allows air drying, and

(2) Covered or inverted.

(C) Single-service and single-use articles must be stored as specified under ¶(A) of this section and must be kept in the original protective package or stored by using other means that afford protection from contamination until used.

(D) Items that are kept in closed packages may be stored less than 6 inches (15 cm) above the floor on dollies, pallets, racks, and skids that are designed as specified under § 4- 204.23.

~~4-903.2~~ **Prohibitions**

(A) Except as specified in ¶ (B) of this section, cleaned and sanitized equipment, ~~UTENSILS, LAUNDERed LINEN,~~ and SINGLE-SERVICEutensils, laundered linens, and single-~~USE-ARTICLES shall~~service and single-use articles must not be stored:

(1) In locker rooms,

(2) In ~~toilet rooms, restrooms,~~

(3) In garbage rooms,

- (4) In mechanical rooms;
- (5) Under sewer lines that are not shielded to intercept potential drips;
- (6) Under leaking water lines including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- ~~(7)~~ Under open stairwells ~~containing steps which are not fully enclosed with backs and sides to prevent debris from falling onto the items stored below the open stairwell, or~~
- ~~(7)~~(8) Under other sources of contamination.

~~Cleaned EQUIPMENT~~

- (B) Laundered linens and ~~UTENSILS, LAUNDERED LINEN, single-service and single-SERVICE and SINGLE-USE ARTICLES shall be stored at least 6" above the floor, except that items use articles that are kept packaged or in closed packages~~ a facility such as a cabinet may be stored for transport on ~~EASILY MOVEABLE~~ dollies, pallets, racks, and skids that are less than 6" thick in a locker room.

4-904 4-604 Preventing Contamination

~~4-604.11 Handling Cleaned EQUIPMENT, UTENSILS, and LINEN~~

~~4-904.1 Kitchenware and Tableware~~

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

~~4-904.2 Soiled and Clean Tableware~~

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

~~4-904.3 Preset Tableware~~

- (A) ~~Except as specified in ¶ (B) of this section, tableware that is preset shall must~~ be protected from contamination by being wrapped, covered, or inverted.
 - ~~(A) Plastic tubing used to dispense BEVERAGES directly into a CONSUMER's mouth, including but not limited to beer bongs at bars, shall be for SINGLE SERVICE only, or shall be washed, rinsed, and sanitized between customers.~~

~~4-604.12 Handling Soiled TABLEWARE~~

~~Soiled TABLEWARE shall be removed from CONSUMER eating and drinking areas and handled so that clean TABLEWARE is not contaminated.~~

~~4-604.13 Handling Clean TABLEWARE~~

~~if TABLEWARE is preset:~~

~~Exposed,~~

- ~~(B) Preset tableware may be exposed if:~~

- ~~(1) Unused settings shall be removed when a consumer is seated, or, Exposed, unused settings shall be cleaned and sanitized before further use if the settings are~~

(2) Settings not removed when a ~~customer~~consumer is seated are cleaned and sanitized before further use.

~~604.14~~ **Handling SINGLE SERVICE ARTICLES**

- ~~(A) Knives, forks, and spoons that are not pre-wrapped shall be presented so that only the handles are touched by employees and by CONSUMERS, if CONSUMER self-service is provided.~~
- ~~(B) SINGLE SERVICE ARTICLES, that have no handles, including but not limited to toothpicks and straws, and that are intended for FOOD or lip contact, shall be furnished for CONSUMER self-service with the original individual wrapper intact or from an APPROVED dispenser.~~
- ~~(C) SINGLE SERVICE ARTICLES and SINGLE USE ARTICLES shall be kept in the original protective package or stored by using other means that afford protection from CONTAMINATION until removed for use.~~

CHAPTER 5

4-904.4 Rinsing Equipment and Utensils after Cleaning and Sanitizing

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

- (A) The rinse is applied directly from a potable water supply by a warewashing machine that is maintained and operated as specified under Subparts 4-204 and 4-501, and
- (B) The rinse is applied only after the equipment and utensils have been sanitized by the application of hot water or by the application of a chemical sanitizer solution whose EPA-registered label use instructions call for rinsing off the sanitizer after it is applied in a commercial warewashing machine.

Chapter 5 Water, Plumbing, and Waste

Parts

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

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

5-101 Source

5-101.1 ~~5-101.11~~ Approved System

~~DRINKING WATER for FOOD ESTABLISHMENTS shall~~

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

- (A) A public water system meeting NRS 445A, NAC 445A, and 40 CFR 141, or,
- (B) A non-public water system meeting that meets state standards and requiring; requires:
 - (1) Sampling and testing at least annually or as required by the state drinking water standards, and
 - (2) ~~The~~ Test results report for water analysis to be retained in the food establishment, or as required by law, or
 - ~~or,~~
 - (1) ~~Bottled drinking water from an APPROVED SOURCE.~~
- ~~(B) Non-DRINKING WATER shall be used in a FOOD ESTABLISHMENT:~~
 - (1) ~~Only for non-culinary purposes, APPROVED by that meets the HEALTH AUTHORITY, including but not limited to air conditioning, non-FOOD EQUIPMENT cooling, fire protection, and/or irrigation.~~
 - (2) ~~Only if installed so as to preclude the possibility of back siphonage into the DRINKING WATER system.~~
- (C) requirements in 5-101.12-3.

5-101.2 System Flushing and Disinfection

A drinking water system ~~shall~~must be flushed and disinfected before being placed in service after construction, repair, modification, or after an emergency situation ~~including but not limited to, such as~~ a flood, that may introduce contaminants ~~into~~to the system. ~~Written documentation certifying that the system has been disinfected shall be provided to the HEALTH AUTHORITY.~~

~~5-101.13 BOTTLED DRINKING WATER~~

~~5-101.3~~ Bottled and PACKAGED potable water shall Drinking Water

Bottled drinking water used or sold in a food establishment must be obtained from an approved source ~~APPROVED~~ by the HEALTH AUTHORITY or AGENCY OF JURISDICTION, in accordance with 21 CFR 129 Processing and Bottling of Bottled Drinking Water and shall be handled and stored to protect it 21 CFR 165.110 Bottled Water.

5-102 ~~Quality~~
5-102.1 ~~Standards~~

Except as specified under § 5-102.2:

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

5-102.2 ~~Non-Drinking Water~~

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

5-102.3 ~~Sampling~~

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

5-102.4 ~~Sample Report~~

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

5-1025-103 ~~Quantity and Availability~~

5-103.1 ~~5-102.11~~ ~~Capacity~~

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

5-103.2 ~~5-102.12~~ ~~Pressure~~

~~Pressurized water shall~~

~~Water under pressure must be provided to all fixtures, equipment, and non-food equipment that are required to use water. Commercially BOTTLED DRINKING WATER, and closed potable except that water containers supplying water supplied as specified under §§ 5-104.2(A) and (B) to a temporary food establishment, or in response to a temporary interruption of a water supply need not be~~ ~~pressurized under pressure.~~

5-102.13 ~~Hot Water Temperature~~

~~The hot water heater shall provide water at a minimum temperature of 120°F±2° as measured at the three-compartment sink.~~

5-1035-104 ~~Distribution, Delivery, and Retention~~

5-104.1 ~~5-103.11~~ ~~System~~

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

- (A) An approved public water main, ~~or~~

(B) One or more of the following ~~means that shall~~ must be constructed, maintained, and operated according to ~~the most current edition of the Uniform Plumbing Code adopted by Southern Nevada and these Regulations;law:~~

- (1) Non-public water main, water pumps, pipes, hoses, connections, and other appurtenances.
- (2) Water transport vehicles, or
- (3) Water containers.

5-104.2 ~~5-103.12~~ Alternative Water Supply

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

- (A) A supply of containers of commercially bottled drinking water.
- (B) One or more closed ~~potable~~ portable water containers.
- (C) An enclosed ~~PERMITTED~~ vehicular water tank ~~APPROVED by the HEALTH AUTHORITY.~~
- (D) An on-premises water storage tank, or
- (E) Piping, tubing, or hoses connected to ~~a nearby APPROVED SOURCE~~ an adjacent approved source.

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

5-201 ~~Approved Materials and Installation~~

~~5-201.11~~ **~~APPROVED Materials, System and Cleanable Fixtures~~**

(A) A plumbing system and hoses ~~which convey water, conveying water treatment systems, and water filters shall be must be~~ constructed and repaired with approved materials. according to law.

~~A PLUMBING SYSTEM shall~~

(B) A water filter must be made of approved materials.

~~5-202~~ Design, Construction, and Installation

~~5-202.1~~ Approved System and Cleanable Fixtures

~~(A) A plumbing system must~~ be designed, constructed, and installed ~~to meet applicable codes.~~

(A) ~~A PLUMBING FIXTURE including but not limited~~ according to a HAND WASHING law.

~~(B) A plumbing fixture such as a handwashing sink, toilet, or urinal shall be EASILY CLEANABLE.~~

~~(A)~~(B) Soil and waste lines shall not ~~must~~ be installed over FOOD transport hallways or concourses, or FOOD preparation, storage, or EQUIPMENT and UTENSIL cleaning areas, unless separated by the floor immediately above, or by some other method APPROVED by the HEALTH AUTHORITY, including but not limited to the installation of trough pans under soil and waste lines which are drained to floorsinkseasily cleanable.

~~HAND WASHING SINKS~~

~~5-202.15-202.2 Handwashing Sink, Installation, Location, and Use 5-202.11 — HAND WASHING SINKS, Installation~~

~~A HAND WASHING SINK shall~~

- (A) Handwashing sinks ~~must~~ be equipped to provide water at a temperature of at least 100 °F~~±2°~~ (38 °C) through a mixing valve or combination faucet.
- (B) A steam mixing valve ~~may~~~~must~~ not be used at a ~~HAND WASHING~~handwashing sink.
- (C) A self-closing, slow-closing, or metering faucet ~~shall~~~~must~~ provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

~~(A) — An automatic hand washing system shall~~handwashing facility ~~must~~ be installed in accordance with the manufacturer's instruction, in close proximity to a HAND WASHING SINK, and be APPROVED by the HEALTH AUTHORITY.

~~5-202.12 — HAND WASHING SINKS, Location~~

- ~~(A) — Wall hung HAND WASHING SINKS shall be installed and located to allow convenient use by employees in areas used to prepare FOOD and wash UTENSILS.~~
- ~~(B) — In areas without walls, such as buffets, carving stations, and island stations, or due to EQUIPMENT configuration prohibiting conventional design, the HEALTH AUTHORITY may approve alternate HAND WASHING SINK design and placement. HAND WASHING SINKS shall be conveniently located and easily accessible to employees at all times.~~
- ~~(C) — HAND WASHING SINKS shall be easily accessible and available to employees without opening doors or moving barriers.~~
- ~~(D) — BEVERAGE and ice dispensing areas in new and extensively remodeled establishments shall have a separate and distinct wall hung HAND WASHING SINK, if:~~
 - ~~(1) — Located in a FOOD pick-up area.~~
 - ~~(2) — Bussing of soiled TABLEWARE or UTENSILS occurs in the area.~~

~~(3) Any open FOOD including but not limited to soup, toast, garnishes, salads, or salad dressings is placed in the area.~~

~~(4) Bagging ice.~~

~~(E) Additional HAND WASHING SINKS are not required in areas used solely for the bussing of soiled TABLEWARE.~~

~~(F) All dish washing areas shall have convenient and easily accessible wall-hung HAND WASHING SINKS to allow proper hand washing after loading soiled TABLEWARE, and prior to unloading clean TABLEWARE.~~

~~(G) HAND WASHING SINKS shall be located in, or immediately adjacent to, rooms with toilets, or in toilet vestibules. Sinks used for preparing FOOD or for washing EQUIPMENT or UTENSILS may not be used for washing hands. The rinsing of FOOD and UTENSILS in HAND WASHING SINKS is prohibited.~~

~~(H) Fixed dispensers of liquid soap or detergent for cleaning hands shall be available at all HAND WASHING SINKS. Interim portable soap dispensers may be temporarily used when repairs may be required for fixed dispensers.~~

~~(I) A supply of sanitary, disposable towels for drying hands shall be conveniently located near each HAND WASHING SINK. Shared common towels are prohibited. Waste receptacles that are EASILY CLEANABLE shall be conveniently located near the HAND WASHING SINK. Cloth towels are prohibited at employee HAND WASHING SINKS.~~

~~(J) HAND WASHING SINKS, dispensers for soap, towel dispensers, and all related fixtures shall be kept clean and in good repair. Hand blow dryers shall not be used at HAND WASHING SINKS as a sole means for drying hands in areas used by employees.~~

~~(K) A HAND WASHING SINK may have a direct connection to a sewer line drain.~~

~~(L) In areas that process or prepare raw FOOD of animal origin for consumption of as READY TO EAT FOOD, a separate HAND WASHING SINK shall be provided for the sole use of that operation.~~

~~5-202.13 Using a HAND WASHING SINK~~

~~(A) A HAND WASHING SINK shall be clean and maintained in good repair and shall be accessible at all times for employee use.~~

~~(D) An automatic hand-washing system shall be used in accordance with manufacturer's instructions, and be~~

APPROVED by the HEALTH AUTHORITY.

~~5-201 Service Sinks~~

~~5-203.11 Requirements~~

~~(A) All service sinks, including but not limited to mop sinks and can wash stations, and all FOOD handling sinks, including but not limited to dump sinks, blender stations, produce sinks, and other FOOD preparation sinks, shall be serviced with hot and cold running water through a mixing or combination faucet.~~

~~(B) At least one service sink, or one curbed cleaning sink equipped with a floor drain, directly connected to sewer shall be provided and conveniently located for cleaning of mops or similar wet floor cleaning tools, and for the disposal of mop water and similar liquid waste. The faucets at this sink shall be protected by a backflow prevention device. This sink shall not be used for FOOD preparation, FOOD handling, or for hand washing. Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.~~

~~5-202 Toilet Facilities~~

~~5-204.11 Toilet Facilities Within FOOD ESTABLISHMENTS~~

~~(A) Owner/operators of FOOD service facilities shall provide conveniently located toilet facilities for their employees. Public restrooms may be utilized for employees provided they are within the same building, are conveniently located to the FOOD ESTABLISHMENT, and are accessible to employees during all hours of the FOOD ESTABLISHMENT's operation.~~

~~(B) Public access to toilet facilities shall not be allowed through a FOOD preparation, FOOD storage, or WARE WASHING area.~~

~~(C) FOOD ESTABLISHMENTS, located within theme parks and entertainment complexes, may utilize centrally located restrooms that are reasonably accessible.~~

~~(D) A FOOD ESTABLISHMENT that provides public seating shall have separate public restrooms for males and females when 10 or more public seats are provided. Only one restroom is required if there is less than 10 seats.~~

~~(1) Public seating includes seats, benches, stools and similar furniture provided by the owner or~~

~~operator of a building, mall, or similar operation for use by the FOOD ESTABLISHMENT and located within 25 of the ESTABLISHMENT.~~

(2) ~~FOOD ESTABLISHMENTS holding existing PERMITS that were APPROVED for customer seating with a single customer restroom shall be exempt from this requirement until the FOOD ESTABLISHMENT is extensively remodeled or the existing PERMIT lapses for greater than one billing cycle.~~

~~(E) Water closets and urinals shall be of a sanitary design.~~

~~(F) Exhaust fans shall be installed in all new construction and extensively remodeled restrooms.~~

~~(G) Toilet facilities, including the toilet room and fixtures, shall be kept clean, in good repair, and free of objectionable odors.~~

~~(H) Rooms with toilets must be completely enclosed and have solid doors which must fit tightly, close automatically and remain closed except during cleaning or maintenance. Doors from rooms with toilets must not open directly into any area used for the preparation of FOOD or for the washing or cleaning of EQUIPMENT, UTENSILS or SMOOTH as specified in Chapter 6-202.14 of these Regulations~~

~~(I) A supply of toilet tissue shall be provided at each toilet at all times. EASILY-CLEANABLE covered receptacles shall be provided for waste materials. Such receptacles shall be emptied at least once a day, and more frequently when necessary to prevent accumulation of waste material.~~

~~J) A toilet is not required within the facility if the lease agreement of the FOOD ESTABLISHMENT provides that the lessor will at all times provide clean and appropriately stocked and maintained toilet facilities for employees of the FOOD ESTABLISHMENT.~~

~~5-202.25-202.3~~ **Backflow and Back Siphonage** ~~5-205.11~~ **Backflow Prevention, Air Gap**

An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or non-~~FOOD-EQUIPMENT~~ food equipment must be a minimum of two times at least twice the diameter of the water supply inlet and ~~may~~must not be less than 1½ inch (25 mm).

~~5-202.35-202.4~~ ~~5-205.12~~ **Backflow Prevention Device, Design Standard**

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

~~5-202.45-202.5~~ ~~5-205.13~~ **Conditioning Device, Design**

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

~~5-205.14~~ **Backflow Prevention Devices**

~~Where backflow prevention is required, an appropriate device shall~~

~~5-203~~ **Numbers and Capacities**

~~5-203.1~~ **Handwashing Sinks**

~~(A) Except as specified in ¶¶ (B) and (C) of this section, each food establishment must have a number of handwashing sinks necessary for convenient use by employees in areas specified under §5-204.1, and no less than the number of handwashing sinks required by the Uniform Plumbing Code.~~

~~(B) If approved and capable of removing the types of soils encountered in the food operations involved, automatic handwashing facilities may be substituted for handwashing sinks in a food establishment that has at least one handwashing sink.~~

~~5-203.2~~ **Toilets and Urinals**

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

~~5-203.3~~ **Service Sink**

~~(A) At least one service sink or one curbed cleaning facility equipped with a floor drain must be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid wastewater.~~

~~(B) Toilets, urinals, or sinks normally used for preparing food or washing utensils or equipment may not be used as a service sink for the disposal of commercial or industrial wastewater such as mop water.~~

~~5-203.4 Backflow Prevention Device, When Required~~

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

~~(A) Providing an air gap with a minimum of two times the diameter of the water supply inlet, but not less than 1- as specified under §5-202.3, or~~

~~(B) Installing an approved backflow prevention device as specified in Section under §5-202.4.~~

~~(A) 5-205.12 of this Chapter.~~

~~203.5-205.15 Backflow Prevention Device, Carbonator~~

~~A reduced pressure zone~~

~~(A) If not provided with an air gap as specified under §5-202.3, a dual check valve assembly shall with an intermediate vent preceded by a screen of not less than 100 mesh to 1 inch (100 mesh to 25.4 mm) must be installed upstream from a carbonator/carbonating device and downstream from any water supply line containing copper in the water supply line.~~

~~Backflow prevention devices~~

~~(B) A dual check valve attached to the carbonator systems shall need not be tested and certified at least annually by a certified of the vented type if an air gap or vented backflow prevention specialist. A copy of the certification shall be device has been otherwise provided to the HEALTH AUTHORITY upon request as specified under ¶ (A) of this section.~~

~~(A) Backflow prevention devices shall be tagged to show the last date the assembly was tested and certified.~~

~~5-205.16~~

~~5-204 Location and Placement~~

~~5-204.1 Handwashing Sinks~~

~~A handwashing sink must be located:~~

~~(A) To allow convenient use by employees in food preparation, food dispensing, and warewashing areas, and~~

~~(B) In, or immediately adjacent to, restrooms.~~

~~5-204.15-204.2 Backflow Prevention Device, Location~~

~~A backflow prevention device shall must be located so that it can may be easily accessed for testing, servicing, serviced and repairs/maintained.~~

~~5-204.25-204.3 5-205.17 Conditioning Device, Location~~

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

~~5-205.18~~

~~5-205 Operation and Maintenance~~

~~5-205.1 Using a Handwashing Sink~~

(A) A handwashing sink must be maintained so that it is accessible at all times for employee use.

(B) A handwashing sink must not be used for purposes other than handwashing.

(C) An automatic handwashing facility must be used in accordance with manufacturer's instructions.

5-205.15-205.2 Prohibiting a Cross -Connection

(A) A person ~~may~~**must** not create a cross -connection by connecting a pipe or conduit between the drinking water system and ~~either~~ a non-drinking water system or a water system of unknown quality.

(B) The piping of a non-drinking water system ~~shall~~**must** be durably identified so that it is readily distinguishable from piping that carries drinking water.

~~5-203~~ **Inspection and Service**

~~5-205.25-205.3~~ ~~5-206.11~~ **Scheduling Inspection and Service for a Water System Device**

~~Except as specified in Section 5-205.15 (B) of this Chapter, A device including but not limited to a backflow prevention device or such as a water treatment device, shall or backflow preventer must~~ be scheduled for inspection and service in accordance with ~~manufacturer's~~ manufacturer's instructions, and as necessary to prevent device failure based on local water conditions. Records ~~of demonstrating~~ inspection and ~~or~~ service ~~shall~~ must be maintained ~~or obtained~~ by the ~~PERSON IN CHARGE, and a copy shall be provided~~ PIC and made available to the Health Authority upon request.

~~5-205.35-205.4~~ ~~5-206.12~~ **Water Reservoir of Fogging Devices, Cleaning**

(A) A reservoir that is used to supply water to a device, ~~including but not limited to a produce_ such as a fogger,~~ ~~shall be constructed with an APPROVED backflow prevention device, and must be:~~

- (1) Maintained in accordance with ~~manufacturer's~~ manufacturer's specifications, ~~and~~
- (2) Cleaned in accordance with ~~manufacturer's~~ manufacturer's specifications, or according to the procedures ~~as specified in Paragraph under ¶ (B) of this section, whichever is more stringent.~~

(B) Cleaning procedures ~~shall~~ must include at least the following steps, and ~~shall~~ must be conducted at least once a week:

- (1) Draining and complete disassembly of the water and aerosol contact parts, ~~and~~
- (2) Brush cleaning ~~of~~ the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution, ~~and~~
- (3) Flushing the complete system with water to remove the detergent solution and particulate ~~accumulations~~ accumulation, and
- (4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with ~~an APPROVED sanitizer at recommended strengths, at least 50 mg/L hypochlorite solution.~~

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

~~A plumbing system must be:~~

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

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

5-301 **Approved Materials**

~~5-301.11~~ ~~APPROVED Materials~~

Materials that are used in the construction ~~and/or repair of an APPROVED~~ of a mobile water tank, mobile ~~FOOD-ESTABLISHMENT~~ unit water tank, and ~~related~~ appurtenances ~~shall~~ must be:

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

5-302 Design and Construction
5-302.1 ~~5-302.11~~ Enclosed System, Sloped to Drain

A mobile water tank ~~shall~~ must be:

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

5-302.2 ~~5-302.12~~ Inspection and Cleaning Port, Protected and Secured

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

- (A) Flanged upward at least ~~1/2~~ 1/2 inch (13 mm), and
- (B) Equipped with a port cover assembly that is:
 - (1) Provided with a gasket and a device for securing the cover in place, and
 - (2) Flanged to overlap the opening, and sloped to drain.

5-302.3 ~~5-302.13~~ "V" Type Threads, Use Limitation

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

5-302.4 ~~5-302.14~~ Tank Vent, Protected

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

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

5-302.5 ~~5-302.15~~ Inlet and Outlet, Sloped to Drain

- (A) A water tank and its inlet and outlet ~~shall~~ must be sloped to drain.
- (B) A water tank inlet ~~shall~~ must be positioned so that it is protected from contaminants ~~including but not limited to~~ such as waste discharge, road dust, oil, or grease.

5-302.6 ~~5-302.16~~ Hose, Construction and Identification

A hose used for conveying drinking water ~~to~~from a water tank ~~shall~~must be ~~constructed of FOOD-GRADE materials;~~ APPROVED by NSF/ANSI or equivalent, and shall be:

~~(A)~~ Safe

~~(B)~~ Made of durable, non-absorbent CORROSION-RESISTANT MATERIALS.

(A) Safe,

(B) Durable, corrosion-resistant, and nonabsorbent,

(C) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition,

(D) Finished with a smooth interior surface, and

(E) Clearly and durably identified as to its use, unless if not permanently attached.

~~5-302.17~~

5-303 Numbers and Capacities

5-303.1 Filter, Compressed Air

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

5-303.2 ~~5-302.18~~ Protective Cover or Device

A cap and keeper chain, closed cabinet, closed storage tube, or other approved protective cover or device shall must be provided for the water inlet, outlet, and hose, and associated EQUIPMENT.

5-303.3 Mobile Food Establishment Tank Inlet

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

(A) Three-fourths inch (19.1 mm) in inner diameter or less, and

(B) Provided with a hose connection of a size or type that will prevent its use for any other service.

~~5-303.5-304~~ Operation and Maintenance

5-304.1 ~~5-303.11~~ System Flushing and ~~Disinfection~~ Sanitization

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

5-304.2 ~~5-303.12~~ Using a Pump and Hoses, Backflow Prevention

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

~~5-303.13~~

5-304.3 Protecting Inlet, Outlet, and Hose Fitting

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

~~5-304.35-304.4~~ Tank, Pump, and Hoses, Dedication

(A) Except as specified in ¶ (B) of this section, a water tank, pump, and hoses used for conveying drinking water shall must be used for no other purpose.

~~5-401-~~

~~(B) Water tanks, pumps, and hoses approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.~~

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

5-401 Mobile Holding Tank

5-401.1 ~~5-401.11~~ Capacity and Drainage

~~Any~~

~~A~~ sewage holding tank ~~present~~ in a mobile ~~FOOD ESTABLISHMENT shall be~~ unit must be:

(A) Sized 15% ~~percent~~ larger in capacity than the water supply tank(s), and

(B) Sloped to a drain ~~pipe that has a~~ 1 ~~or greater~~ inch (25 mm) in inner diameter ~~or greater~~ and ~~is~~ equipped with a shut-off valve.

~~5-402~~ ~~5-402~~ Retention, Drainage, and ~~Disposal~~ ~~5-402.11~~ Delivery

5-402.1 Establishment Drainage System

Food establishment drainage systems, ~~including grease traps,~~ that convey sewage ~~shall,~~ including grease interceptors, ~~must~~ be designed, ~~constructed,~~ and installed ~~according to the requirements of the most current edition of the Uniform Plumbing Code adopted by Southern Nevada and the Agency of Water Reclamation or the AGENCY OF JURISDICTION, as specified under ¶ 5-202.1(A).~~

5-402.2 ~~5-402.12~~ Backflow Prevention

~~A-~~

(A) ~~Except as specified in ¶¶ (B), and (C) of this section, a direct connection shall~~ must not exist between the sewage system and a drain ~~receiving discharges~~ originating from equipment in which food, portable equipment, or utensils are placed. ~~An air gap of at least 1" shall be provided~~

(B) ~~Paragraph (A) of this section does not apply to floor drains that originate in refrigerated spaces that are constructed as an integral part of the building.~~

~~(A)(C)~~ ~~If allowed by law, a warewashing machine may have a direct connection between the EQUIPMENT drain pipe and the flood level rim its waste outlet and a floor drain when the machine is located within 5 feet (1.5 m) of the a trapped floor drain. To reduce splash at the and the machine outlet is connected to the inlet side of a properly vented floor drain, the drain pipe may be cut at an angle, if adequate air gap is provided trap.~~

5-402.3 ~~5-402.13~~ Grease Trap Interceptor

(A) ~~As per the regulations adopted by the Southern Nevada Uniform Plumbing Code, one or more grease traps or grease interceptors shall be installed at any FOOD ESTABLISHMENT that generates grease that could enter a sewer system.~~

(B) ~~Grease traps or grease interceptors shall be EASILY CLEANABLE.~~

~~A grease trap or~~

(C) ~~If present, a grease interceptor shall be located outside the FOOD ESTABLISHMENT whenever possible.~~

~~A grease trap or grease interceptor shall not must be located in any area where FOOD is prepared, or where UTENSILS or TABLEWARE are washed or stored. Prior to installation the location shall be APPROVED by the HEALTH AUTHORITY to be easily accessible for cleaning, maintenance, and inspections.~~

~~(D) — Alternative methods of grease disposal (grease machines) may be located within a FOOD ESTABLISHMENT with prior approval from the HEALTH AUTHORITY.~~

5-402.4 ~~5-402.14~~ **Conveying Sewage**

~~SEWAGE shall~~

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

- (A) ~~Soil and waste lines shall not be installed over FOOD preparation, storage, or EQUIPMENT and UTENSIL cleaning areas, unless separated by the floor immediately above or by some other method APPROVED by the HEALTH AUTHORITY such as the installation of trough pans under roof drain lines, soil lines, and waste lines which are drained into floor sinks.~~

5-402.15 Gravity Drainage of Liquid Waste Effluent from EQUIPMENT to Sewer

- (A) ~~Drainage of all liquid waste effluent from EQUIPMENT to sewer shall be accomplished by gravity at not less than 1 per 12 of fall.~~
- (B) ~~Sump pumps and lift stations are not allowed for the purpose of draining FOOD service EQUIPMENT to sewer, except in the case of a lift station installed outside the FOOD ESTABLISHMENT that has been APPROVED by the building and sanitation REGULATORY AUTHORITY. In such a case, an alarm system with both audio and visual signals shall be installed within each FOOD ESTABLISHMENT serviced by the lift stations.~~
- (C) ~~Evaporative waste water may be drained to a heated evaporative pan device APPROVED by the HEALTH AUTHORITY.~~
- (D) ~~Secondary HVAC drains, within FOOD processing or storage areas, may not terminate at the ceiling or at any place that may be a source of FOOD or UTENSIL CONTAMINATION.~~

5-402.5 ~~5-402.16~~ **Removing Mobile FOOD ESTABLISHMENT Unit Waste**

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

~~5-403-~~

5-402.6 ~~5-403.6~~ **Flushing a Waste Retention Tank**

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

5-403 **Disposal Facility**

5-403.1 ~~5-403.11~~ **Approved Sewage Disposal System**

~~SEWAGE shall~~

Sewage must be disposed through an approved facility that is:

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

~~APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION.~~

5-403.2 ~~5-403.12~~ **Other Liquid Wastes and Rainwater**

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

~~5-501-~~

5-5 Refuse, Recyclables, and Returnables

Subparts

5-501 Facilities on the Premises

5-502 Removal

5-503 Community or Individual Facilities for Disposal and Recycling

5-501 Facilities on the Premises

5-501.1 ~~5-501.11~~ Indoor Storage Area

If located within the food establishment, a storage area for refuse, recyclables, and returnables shall must meet the requirements ~~as specified in Chapter under Subparts 6 of these Regulations 101 and 6-201 and §§ 6-202.5 and 6-202.6.~~

5-501.2 ~~5-501.12~~ Outdoor Storage Surface

An outdoor storage surface for refuse, recyclables, and returnables shall must be constructed of ~~non-absorbent~~nonabsorbent material ~~including but not limited to such as~~ concrete or asphalt, and shall must be SMOOTH of a cleanable design, durable, and sloped to drain.

5-501.3 ~~5-501.13~~ Outdoor Enclosure

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

5-501.4 ~~5-501.14~~ Receptacles

(A) Except as specified in ¶ (B) of this section, receptacles and waste handling units for refuse, recyclables, and returnables, and for use with materials containing food residue shall must be durable, cleanable, insect- and rodent-resistant, ~~leak-proof~~leakproof, and ~~non-absorbent~~nonabsorbent.

(B) Plastic bags ~~shall be and wet strength paper bags may be~~ used to line receptacles for storage of REFUSE and FOOD debris inside the food establishment. ~~All, or within closed outside receptacles.~~

~~5-501.5~~ Receptacles in Vending Machines

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

~~5-501.6~~ Outside Receptacles

~~(A) Receptacles and waste handling units for refuse, recyclables, and returnables shall not create a nuisance.~~

~~(B) All receptacles and waste handling units for REFUSE, recyclables, and returnables shall not create a nuisance.~~

~~5-501.15~~ Outside Receptacles

(A) Receptacles and waste handling units for REFUSE, recyclables and returnables, that are used with materials containing food residue and used outside the food establishment and contain FOOD residue, shall must be designed and constructed to have tight-fitting lids, doors, or covers.

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

~~5-501.55-501.7~~ **5-501.16 Storage Areas, Rooms, and Receptacles, Capacity and Availability**

~~An inside storage room and area, and outside storage area and enclosure~~

- (A) ~~Interior and exterior storage areas, enclosures, and receptacles shall be of sufficient capacity to used to~~ hold refuse, recyclables, and returnables ~~that accumulate must be of sufficient capacity to prevent nuisance conditions.~~
- (B) A minimum of one receptacle ~~shall~~must be provided in each area of the food establishment, or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.
- (C) If disposable towels are used at ~~HAND WASHING SINKS~~handwashing lavatories, a waste receptacle ~~shall~~must be located at each restroom sink, or group of adjacent sinks.

~~5-501.17~~

~~5-501.8~~ **Restroom Receptacle, Covered**

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

~~5-501.65-501.9~~ **Cleaning Implements and Supplies**

- (A) ~~Except as specified in ¶ (B) of this section,~~ suitable cleaning implements and supplies, ~~including but not limited to, such as~~ high-pressure pumps, hot water, steam, and detergent ~~shall~~must be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables, and returnables.

~~Off-PREMISES-~~

- (B) ~~If approved, off-premises-~~based cleaning services may be used ~~if on-PREMISES cleaning implements and supplies are not provided.~~

~~5-501.75-501.10~~ **5-501.18 Storage Areas, Redeeming Machines, Receptacles and Waste Handling Units,**

Location

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

~~5-501.85-501.11~~ ~~5-501.19~~ **Storing Refuse, Recyclables, and Returnables**

~~REFUSE, and~~

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

~~5-501.95-501.12~~ ~~5-501.20~~ **Areas, Enclosures, and Receptacles, Good Repair**

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

~~5-501.105-501.13~~ ~~5-501.21~~ **Outside Storage Prohibitions**

- (A) ~~Except as specified in ¶ (B) of this section, refuse receptacles that do not meet~~meeting the requirements specified ~~in Section under ¶ 5-501.14-4(A) of this Chapter, and that contain materials with FOOD residue, such as receptacles that are not rodent-resistant, unprotected plastic bags, and paper bags, or baled units shall~~that contain materials with food residue ~~must~~ must not be stored outside.
- (B) Cardboard or other packaging material that does not contain food ~~residue, residues~~ and that is awaiting regularly scheduled ~~pick up and~~ delivery to a recycling or disposal site, ~~shall~~ may be stored ~~uncovered~~ outside, ~~if without being in a covered receptacle if it is~~ stored so that it does not create a rodent harborage problem.

~~5-501.115-501.14~~ **5-501.22** ~~Covering Receptacles~~

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

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

~~5-501.125-501.15~~ **5-501.23** ~~Using Drain Plugs~~

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

~~5-501.135-501.16~~ **5-501.24** ~~Maintaining Refuse Areas and Enclosures~~

Storage areas and enclosures for refuse, recyclables, or returnables ~~shall~~ must be maintained clean and ~~shall be~~ free of unnecessary items, as specified ~~in Chapter under § 6-501.20 of these Regulations~~ 15.

~~5-501.145-501.17~~ **5-501.25** ~~Cleaning Receptacles~~

- (A) Receptacles and waste handling units for refuse, recyclables, and returnables ~~shall~~ must be thoroughly cleaned in a ~~manner~~ way that does not contaminate food, equipment, utensils, ~~LINEN~~ linens, or single-service ~~ARTICLES~~ and single-use articles, and ~~SINGLE USE ARTICLES~~, and waste water ~~shall~~ wastewater must be disposed of as specified ~~in Section under § 5-402.14 of this Chapter~~ 4.
- (B) Soiled receptacles and waste handling units for refuse, recyclables, and returnables ~~shall~~ must be cleaned at a frequency necessary to prevent them from developing a ~~build up~~ buildup of soil or ~~from attracting~~ becoming attractants for insects, ~~and~~ rodents, ~~and other vermin~~.

5-502 ~~5-502~~ ~~Removal~~

5-502.1 ~~5-502.11~~ ~~Frequency~~

Refuse, recyclables, and returnables ~~shall~~ must be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects, ~~and~~ rodents ~~and other vermin~~.

5-502.2 ~~5-502.12~~ ~~Receptacles or Vehicles~~

Refuse, recyclables, and returnables ~~shall~~ must be removed from the premises by ~~way of~~:

(A) Portable receptacles that are constructed and maintained according to law, or

(B) A transport vehicle that is constructed, maintained, and operated according to law.

~~5-503~~

5-503 Community or Individual Facilities for Disposal and Recycling ~~5-503.11 Prohibitions~~

~~(A) FOOD waste grinders, garbage disposals, FOOD waste digestion systems, and other similar EQUIPMENT that is designed to introduce FOOD waste into the sanitary sewer are prohibited.~~

Solid waste ~~shall~~must be recycled or disposed of in a ~~PERMITTED public or private community~~an approved recycling or ~~Solid Waste refuse~~ facility, or disposed of in an individual refuse facility such as a landfill or incinerator which is sized, constructed, maintained, and operated according to law.

Commented [CS45]: Comment:
Request to bring back the prohibition of garbage disposals.

Commented [CS46R45]: Garbage disposals are prohibited by pretreatment code where necessary

CHAPTER 6

Chapter 6 Physical Facilities

Parts

- 6-1 ~~6-1~~ Materials for Construction and Repair
- 6-2 ~~6-2~~ Design, Construction, and Installation
- 6-3 ~~6-3~~ Numbers and Capacities
- 6-4 Location and Placement
- 6-5 Maintenance and Operation
- ~~6-4~~ ~~6-4~~ Special Facilities

6-1	Materials for Construction and Repair
Subparts	
6-101	Indoor Area Surface Characteristics
6-102	Outdoor Area Surface Characteristics

- ~~6-101~~ Indoor Areas
- 6-101 ~~6-101.11~~ Area Surface Characteristics

(A) Except as specified in ¶ (B) of this section, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use ~~shall~~must be:

(1) Smooth, durable, and easily cleanable ~~for~~ areas where food establishment operations are conducted.

~~Non-absorbent~~

~~(2) Closely woven and easily cleanable carpet where carpeted areas are allowed, and~~

~~(2)(3) Nonabsorbent~~ for areas subject to moisture ~~including but not limited to such as~~ food preparation areas, walk-in refrigerators, ~~WARE WASHING~~warewashing areas, ~~toilet rooms~~restrooms, mobile ~~FOOD ESTABLISHMENT SERVICING DEPOTS~~unit servicing areas, and areas subject to flushing or spray cleaning methods.

~~(A) The floors, and coverings for floors, in all areas used in the preparation and storage of FOOD, and for washing UTENSILS and FOOD service EQUIPMENT, including walk-in refrigerators and freezers, and in all refrigerators, dressing rooms, locker rooms, and rooms with toilets and their vestibules shall be constructed of SMOOTH, cleanable material, including but not limited to SEALED concrete, terrazzo, quarry tile, ceramic tile, or commercial grades of vinyl composition tile, or as APPROVED by the HEALTH AUTHORITY.~~

~~(B) Closely woven and EASILY CLEANABLE carpet for carpeted areas. Carpeting is allowed in customer sales areas where safety is a concern, but only the carpet squares which are easily removable for cleaning and repair.~~

~~(C) Wood, wood laminates, particle board, medium-density fiber (MDF), or other wood-based products may not be used as structural support for EQUIPMENT in new or remodeled FOOD service areas. Wood or wood base products may be used for structural support of FOOD EQUIPMENT in other FOOD service areas including but not limited to: back bars, and customer self service areas provided that such wood based support structure is fully encapsulated with stainless steel, FRP, or other material APPROVED by the HEALTH AUTHORITY. All external corners shall be radiused, all seams and edges shall be SEALED, and wood or wood-base structural support shall not be compromised with penetrations for plumbing, drainage, pipe chases, or electrical service. Wood or wood-based products may be used for non-structural cosmetic purposes in non-FOOD ZONES of customer interface areas. Wood or wood-based products may be used for non-structural cosmetic purposes in non-FOOD ZONES of customer interface areas.~~

(B) In a Temporary food establishment:

(1) If graded to drain, a floor may be concrete, machine-laid asphalt, dirt or gravel if it is covered with mats, removable platforms, duckboards, or other approved materials that are effectively treated to control dust and mud, and

(2) Walls and ceilings must be constructed of a material that protects the interior from the weather and windblown dust and debris.

~~6-102~~ **Outdoor Areas**

6-102 6-102.11 Area Surface Characteristics

(A) The outdoor walking and driving areas shall must be surfaced with concrete, asphalt, gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.- Stagnant water shall not be allowed to accumulate.

(B) Exterior surfaces of buildings for FOOD ESTABLISHMENTS shall and Mobile Units must be of weather-resistant materials, and shall comply with all applicable federal, state,

(B)(C) Outdoor storage areas for refuse, recyclables, or returnables must be of materials specified under §§ 5-501.2 and local statutes, regulations, and ordinances 5-501.3.

(A) Areas for housing rubbish for disposal shall be constructed of paved surface, with metal gates, to enclose the disposal container. Where allowed by the BUILDING AUTHORITY, drains shall be installed to facilitate cleaning of the area. Such drains shall be plumbed to the sanitary SEWER through a grease interceptor to prevent discharge of waste water to the environment.

(B) Waste water shall not be allowed to cause health HAZARDS or otherwise impair the environment.

6-2 Design, Construction, and Installation

Subparts

- 6-201 Cleanability**
- 6-202 Functionality**

6-201 Cleanability

6-201.1 ~~6-201.11~~ Floors, Walls, and Ceilings

~~The~~

- (A) ~~Except as specified under § 6-201.4 and except for anti-slip floor coverings or applications that may be used for safety reasons,~~ floors, floor coverings, walls, wall coverings, and ceilings ~~shall~~must be designed, constructed, and installed so they are smooth ~~and EASILY CLEANABLE, except that anti-slip floor coverings or applications may be used for safety reasons.~~

~~Carpeting may be allowed in customer retail sales area to prevent slips and falls, but only in the form of carpet squares which can be cleaned or, easily replaced~~cleanable.

6-201.2 ~~6-201.12~~ Floors, Walls, and Ceilings, and Utility Lines

- (A) Utility service lines and pipes ~~shall~~must not be unnecessarily exposed ~~on the walls or ceilings of walk-in refrigerators, of areas used for preparing FOOD, or for washing EQUIPMENT and UTENSILS, or rooms with toilets and vestibules.~~ Utility service lines and pipes shall be located inside walls and floors, wherever ~~reasonably possible.~~
- (B) Exposed utility service lines and pipes ~~shall~~must be installed ~~with a minimum 1" standoff from the wall~~ so they do not obstruct or prevent ~~the~~ cleaning of the floors, walls, or ceilings.
- (C) Exposed horizontal utility service lines and pipes ~~shall~~must not be installed on the floor.

~~In FOOD preparation areas, including BEVERAGE areas, syrup and BEVERAGE lines must run through durable, SMOOTH and EASILY CLEANABLE conduit.~~

6-201.3 ~~6-201.13~~ Floor and Wall Junctures, Coved, and Enclosed or Sealed

~~(A) In FOOD ESTABLISHMENTS, in which water flush cleaning methods are used, floors shall be provided with graded drains, and floor and wall junctures shall be coved and SEALED.~~

- (A) In food establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures ~~shall~~must be coved and closed ~~with gap~~ to no ~~wider~~larger than one thirty-second inch (1/32" PERMITTED: mm).

~~6-201.14~~

- (B) ~~The floors in food establishments in which water flush cleaning methods are used must be provided with drains and be graded to drain, and the floor and wall junctures must be coved and sealed.~~

6-201.4 Floor Carpeting, Restrictions, and Installation

- (A) A floor covering, ~~including but not limited to such as~~ carpeting or similar material, ~~shall~~ must not be installed as a floor covering in food preparation areas, ~~under refrigerators and freezers, inside walk-in refrigerators, WARE WASHING~~warewashing areas, ~~toilet room~~restroom areas where ~~HAND WASHING~~handwashing sinks, toilets, and urinals are located, refuse storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.

Carpeting

- (B) If carpeting is installed as a floor covering in areas ~~including but not limited to dining, retail display~~ other than those specified under ¶ (A) of PRE-PACKAGED, non-PHF (TCS), or retail display of dry FOOD ~~shall~~ this section, it must be kept clean and in good repair:

- (1) Securely ~~fastened or~~ attached to the floor with a durable mastic, by using a stretch and tack method, or ~~as APPROVED by the HEALTH AUTHORITY by another approved method, and~~
- (2) Installed tightly against the wall, under the coving, or installed away from the wall with a space between the carpet and the wall, and with the edges of the carpet secured by metal stripping or some other means.

~~(1) Any transition between hard floors and carpet shall be delineated by metal stripping or other threshold material.~~

6-201.5 ~~6-201.15~~ **Floor Covering, Mats and Duckboards**

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

6-201.6 ~~6-201.16~~ **Wall and Ceiling Coverings and Coatings**

- (A) Wall and ceiling covering materials ~~shall~~ must be attached ~~and maintained in an EASILY CLEANABLE condition so that they are easily cleanable.~~
- (B) Except in areas used only for dry storage, concrete, porous blocks, or bricks used for indoor wall construction ~~shall~~ must be finished and sealed to provide a smooth, ~~non-absorbent~~ nonabsorbent, easily cleanable surface.

~~(A) Subject to approval by the HEALTH AUTHORITY, ceilings may be less than 8' high in FOOD ESTABLISHMENTS, provided lighting and ventilation are adequate, and FOOD HANDLERS are able to walk in a fully upright position.~~

~~(B) The walls of all FOOD preparation, UTENSIL washing, and hand washing rooms or areas, shall have light-colored, SMOOTH, EASILY CLEANABLE surfaces, and such surfaces shall be washable at least up to the highest level reached by splash or spray, up to 8' or ceiling height, whichever is less. Walls in WARE WASHING areas are considered SPLASH ZONES and shall be covered from the floor to a height of 8' or ceiling height whichever is less, with an impervious material including but not limited to fiberglass-reinforced panels or stainless steel.~~

6-201.7 ~~6-201.17~~ Walls and Ceilings, Attachments

- (A) ~~Except as specified in ¶ (B) of this section, attachments to walls and ceilings, including but not limited to such as light fixtures, mechanical room ventilation system components, vent covers, wall and ceiling mounted fans, and decorative items, shall be SMOOTH and EASILY CLEANABLE. Wall covering or ceiling covering materials, including but not limited to sheet metal, linoleum, plastic, and similar materials, shall be attached and SEALED to the wall or ceiling as to leave no open spaces or cracks that would PERMIT accumulation of grease or debris, or provide harborage for vermin; decorative items, and other attachments must be easily cleanable and secured with no gaps.~~
- (B) In a consumer area, wall and ceiling surfaces, and decorative items, and attachments that are provided for ambiance ~~shall need not meet this requirement if they are~~ kept clean. ~~Areas built, such as catwalks and dance platforms, shall not be a source of CONTAMINATION in any FOOD service area.~~
- ~~(A) — In transition areas between customer areas and food preparation area sound proofing materials, such as but not limited to durable, cleanable and non-absorbent textile or other material APPROVED by the HEALTH AUTHORITY shall be maintained clean.~~

6-201.8 ~~6-201.18~~ Walls and Ceilings, Studs, Joists, and Rafters

~~Except for temporary food establishments, studs, joists, and rafters shall must~~ not be exposed in areas subject to moisture. ~~If left exposed in other rooms or areas, they shall be suitably finished and kept clean and in good repair.~~

6-202 **Functionality**

6-202.1 ~~6-202.11~~ Light Bulbs, Protective Shielding

- (A) ~~Except as specified in ¶ (B) of this section, light bulbs shall must~~ be shielded, coated, ~~enclosed in plastic tubing, or otherwise shatter-resistant, in areas where FOOD there is exposed, including ice machines, and ice bins, or where food, clean equipment, utensils, and LINEN, linens; or unwrapped single-service ARTICLES and single-use articles are stored.~~
- (B) Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages, if:
- ~~in unopened packages, if:~~
- (1) The integrity of the packages cannot be affected by broken glass falling onto them; and
 - (2) The packages ~~can be~~ are capable of being cleaned of debris from broken bulbs before the packages are opened.
- (C) An infrared or other heat lamp ~~shall must~~ be protected against breakage by a shield surrounding and extending beyond the bulb ~~to ensure so~~ that only the face of the bulb is exposed.

6-202.2 ~~6-202.12~~ Heating, Ventilating, and Air Conditioning System Vents

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

- ~~(A) — All rooms and areas shall be adequately ventilated, and ventilation facilities shall be maintained and operated to ensure that all rooms and areas are kept reasonably free from excessive heat, steam, condensation, vapors, smoke, or fumes. Effective air recovery systems may be used in the ventilation of these rooms and areas.~~
- ~~(B) — A vented hood or canopy shall be provided over and above any high temperature dish machine, stove, griddle, broiler, hot top, deep fryer, cheese melter, or other cooking device for FOOD preparation, unless other means of ventilation is APPROVED by the HEALTH AUTHORITY. Sunday brunches, temporary set-ups,~~

~~table-side cooking, sampling and demonstrations, may be exempt provided grease does not accumulate in the immediate area as determined by the HEALTH AUTHORITY.~~

- ~~(C) Ventilation hoods, filters and devices shall be designed and maintained to prevent grease or condensate from dripping into FOOD, or onto FOOD preparation surfaces. Filters, where used, shall be properly installed, and made of appropriate material as specified in Chapter 4-202.15 (C) of these Regulations.~~
- ~~(D) Where outside air intake ducts are used, they shall be designed and maintained so as to prevent the entry of dust, dirt, vermin, or other contaminating materials.~~
- ~~(E) Ventilation systems shall comply with local fire prevention requirements and, when vented to the outside, shall discharge air in a manner not to impair the environment.~~

6-202.3 ~~6-202.13~~ Insect Control Devices, Design, and Installation

(A) Insect control devices that are used to electrocute or stun flying insects ~~shall~~must be designed to retain the insect within the device.

(B) Insect control devices must be installed so that:

(1) The devices shall~~are~~ not be located ~~and/or installed over a food handling or storage area, and~~

~~(1) Over a FOOD preparation area or,~~
(2) in a manner that ~~Dead insects, or and~~ insect fragments, ~~may be thrown or fall onto~~ are prevented from being impelled onto or falling on food-contact surfaces, exposed food, clean equipment, utensils, ~~LINEN, and linens~~; and unwrapped single-service and single-use articles.

~~(B) Devices for flying insect control, including but not limited to air curtains or ceiling fans, shall be kept clean.~~

~~6-202.14 Toilet Rooms~~

6-202.4 Restrooms, Enclosed

- ~~(A) All new and extensively remodeled FOOD ESTABLISHMENT employee restrooms shall not enter directly into a FOOD area, as specified in Chapter 5-204.11 (H) of these Regulations, except when vestibules with two intervening self-closing doors or a negative air balance that prevents air from moving from the restroom into the FOOD handling area is present.~~
- ~~(B) Existing FOOD ESTABLISHMENTS, with current health PERMITS, shall not be subject to this requirement until the establishment is extensively remodeled or the existing PERMIT lapses for greater than one billing cycle.~~

~~6-202.15-~~

~~A restroom located within a food preparation area must be completely enclosed and provided with a tight fitting and self-closing door. The restroom must be adequately vented as required by the International Building Code.~~

6-202.5 Outer Openings, Protected

- (A) Except as specified in ¶¶ (B), (C), and (E) and under ¶ (D) of this section, outer openings of a food establishment ~~shall~~must be protected against the entry of insects, and rodents, ~~and other vermin~~ by:
- (1) Filling or closing holes and other gaps along floors, walls, and ceilings.
 - (2) Closed, tight-fitting windows, and
 - (2)(3) Solid, self-closing, tight-fitting doors.
- (B) Paragraph (A) of this section does not apply to FOOD ESTABLISHMENTS that open if a food establishment opens into a larger structure including but not limited to, such as a mall, airport, or office building, or into an attached structure including but not limited to, such as a porch, and the outer openings from the larger or attached structure is~~are~~ protected against the entry of insects, and rodents ~~and other vermin~~.
- (C) Exterior doors, used as exits, need not be self-closing if they are:
- (1) Solid and tight-fitting,
 - (1)(2) Designated for use only when an emergency exists by the fire protection authority that has jurisdiction over the food establishment, and
 - (2)(3) Limited -use so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use, and they are alarmed and only open with a panic bar.
 - ~~(1) Not to be used as a receiving door.~~
- if
- (D) Except as specified in ¶¶ (B) and (E) of this section, if the windows or doors of a food establishment, or of a larger structure within which a food establishment is located, are kept open for ventilation or ~~for~~ other purposes or a temporary food establishment is not provided with windows and doors as specified under ¶ (A) of this section, the openings ~~shall~~must be protected against the entry of insects, and rodents ~~and other vermin~~ by:
- (1) ~~Windows that are protected by 16 mesh,~~ to 1-inch per screen (16 mesh to 25.4 mm) screens,
 - (2) Properly designed and installed air curtains ~~over doors~~ to control flying insects. ~~The on/off switch shall be positioned out, or~~
 - (3) Other effective means.

(E) ~~Paragraph (D) of normal reach and shall activate a micro-switch within two seconds of opening the door; this section does not apply if flying insects and other pests are absent due to the location of the establishment or other limiting conditions.~~

~~(B) Effective pest control methods shall be implemented in facilities that have open air dining. Open air dining facilities which are not able to comply with this section may be required to submit a RISK Control Plan and pay applicable fees to bring their facility into compliance. A guidance document is provided in Appendix J.~~

6-202.6 ~~6-202.16~~ Exterior Walls and Roofs, Protective ~~Barriers~~Barrier

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

~~6-202.17~~

6-202.7 ~~6-202.17~~ Outdoor Food Vending Areas, Overhead Protection

~~Except for machines that vend canned beverages, if located outside, a machine used to vend food must be provided with overhead protection.~~

6-202.8 ~~6-202.18~~ Outdoor Servicing Areas, Overhead Protection

~~Servicing depot areas utilized for filling freshwater or the discharge of sewage or other liquid waste freshwater tanks must be provided with overhead protection unless otherwise protected using a closed system of hoses.~~

~~6-202.76-202.9~~ Outdoor Walking and Driving Surfaces, Graded to Drain

Exterior walking and driving surfaces ~~shall~~must be graded to drain.

~~6-202.96-202.10~~ ~~6-202.18~~ Outdoor Refuse Areas, Curbed, and Graded to Drain

Outdoor refuse areas ~~shall~~must be constructed in accordance with ~~local Building Authority regulations having jurisdiction, law~~ and ~~shall~~must be curbed and graded to a drain to collect~~to collect~~ which collects and ~~disposedisposes~~ of liquid-wastewastewater that results from the refuse, and from cleaning the area and waste receptacles. ~~If the Building Authority having jurisdiction PERMITS a cleaning station, hot and cold running water, and a drain plumbed to a grease-interceptor are required for cleaning the station; the sanitary sewer or other approved sewer disposal system.~~

~~6-202.96-202.11~~ ~~6-202.19~~ Private Homes and Living or Sleeping Quarters, Use Prohibition

A private home, a room~~(s)~~ used as living or sleeping quarters, ~~including bathing facilities and restrooms,~~ or an area directly opening into a room used as living or sleeping quarters, ~~shall~~must not be used for conducting food establishment operations.

~~6-202.106-202.12~~ ~~6-202.20~~ Living or Sleeping Quarters, and Separation

Living or sleeping quarters located on the premises of a food establishment ~~including but not limited to~~such as those provided for lodging registration clerks or resident managers, ~~shall~~must be separated from rooms and areas used for food establishment operations by complete partitioning and solid self-closing doors.

6-3 Numbers and Capacities

Subparts

- 6-301 Handwashing Sinks**
- 6-302 Toilets and Urinals**
- 6-303 Lighting Intensity**
- 6-304 Mechanical Ventilation**
- 6-305 Designated Dressing Areas and Lockers**
- 6-306 Availability of Service Sinks**

6-301 Handwashing Sinks

6-301.1 Minimum Number

Handwashing sinks must be provided as specified under § 5-203.1.

6-301.2 Handwashing Cleanser, Availability

Each handwashing sink, or group of two adjacent handwashing sinks, must be provided with a supply of hand cleaning liquid or powder in an approved dispenser.

6-301.3 Hand Drying Provision

Each handwashing sink, or group of two adjacent handwashing sinks, must be provided with individual, disposable towels stored in a sanitary manner.

6-301.4 Handwashing Aids and Devices, Use Restrictions

A sink used for food preparation or utensil washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, must not be provided with the handwashing aids and devices required for a handwashing sink as specified under §§ 6-301.2 and 6-301.3 and ¶ 5-501.7(C).

6-301.5 Handwashing Signage

A sign or poster that notifies food handlers to wash their hands must be provided at all wall-mounted handwashing sinks used by food handlers and must be clearly visible to food handlers.

6-301.6 Disposable Towels, Waste Receptacle

A handwashing sink, or group of adjacent handwashing sinks, that is provided with disposable towels must be provided with an uncovered or hands-free waste receptacle as specified under ¶ 5-501.7(C).

6-302 Toilets and Urinals

6-302.1 Minimum Number

Toilets and urinals must be provided as specified under § 5-203.2.

6-302.2 Toilet Tissue, Availability

A supply of toilet tissue in a dispenser must be available at each toilet.

~~6-301~~ **Lighting**

~~6-3026-303~~ ~~6-301.11~~ **Intensity**

The light intensity must be:

(A) At least ten-foot candles (108 lux) at a distance of 30 inches (75 cm) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of use or cleaning.

~~(A)~~(B) At least 20-foot candles ~~shall be provided~~(215 lux):

- (1) At a surface where food is ~~displayed~~provided for consumer self-service, ~~including but not limited to, such as~~ buffets and salad bars, or where fresh produce or packaged ~~FOOD is~~foods are sold ~~or~~, offered or displayed for ~~consumption, sale, or served.~~
- (2) Inside equipment, ~~including but not limited to such as~~ reach-in and under-counter refrigerators, ~~and~~
~~(1) At a distance of 30 above the floor inside walk-in refrigeration units.~~
~~(2) At a distance of 30 inches (75 cm) above the floor in areas used for hand washing, EQUIPMENT~~handwashing, warewashing, and UTENSIL
(3) storage, dry FOOD~~equipment and utensil~~ storage, and in ~~toilet rooms, restrooms, and~~.

~~(B)~~(C) At least 50-foot candles ~~of light shall be provided~~(540 lux) at a surface where ~~FOOD HANDLERS are a food handler is~~ working with food, ~~WARE WASHING, UTENSILS, or EQUIPMENT~~ including but not limited to or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor.

6-3036-304 Mechanical Ventilation

~~6-302.11~~ Mechanical

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

~~6-401~~

6-305 Designated Dressing Areas and Lockers

(A) Dressing rooms or dressing areas must be designated and used if employees routinely change their clothes in the establishment.

(B) Lockers or other suitable facilities must be provided and used for the orderly storage of employees' clothing and other possessions, away from where food is prepared or unpackaged food is stored.

6-306 Availability of Service Sinks

A service sink or curbed cleaning facility must be provided as specified under ¶ 5-203.3(A).

6-4 Location and Placement

Subparts

- 6-401 Conveniently Located Handwashing Sinks**
- 6-402 Convenience and Accessibility of Toilet Rooms**
- 6-403 Designated Areas for Employee Accommodations**
- 6-404 Segregation and Location of Distressed Merchandise**
- 6-405 Refuse, Recyclables, and Returnables Receptacles, Waste Handling Units, and Designated Storage Areas**

6-401 Conveniently Located Handwashing Sinks

Handwashing sinks must be conveniently located as specified under § 5-204.1.

6-402 Convenience and Accessibility of Restrooms

Restrooms must be conveniently located and accessible to employees during all hours of operation.

6-401.6-403 Designated Areas for Employee Accommodations

6-401.11 Designated Areas

- (A) Areas designated for employees to eat ~~and~~, drink ~~shall~~, and use tobacco ~~must~~ be located ~~to protect FOOD, EQUIPMENT, LINEN, and~~
- (A) ~~SINGLE-SERVICE~~so that food, equipment, linens, and single-~~USE ARTICLES~~service and single-use articles are protected from contamination.
- (B) Lockers or other suitable facilities, ~~where provided, shall must~~ be located in a designated room or area where contamination of food, equipment, utensils, ~~LINEN~~linens, and single-service and single-use articles cannot occur.

6-402 Distressed Merchandise

6-402.6-404 6-402.11 Segregation and Location of Distressed Merchandise

Products that are held by the permit holder for credit, redemption, or return to the distributor, ~~including but not limited to such as~~ damaged, spoiled, or recalled products, ~~shall must~~ be segregated and held in designated areas that are separated from food, equipment, utensils, ~~LINEN~~linens, and single-service and single-use articles ~~and labeled as not for use. Perishable products may be held in a refrigerated unit, provided they are held in a marked container designating the product as distressed or not for use. 6-403.~~

Refuse, Recyclables, and Returnables

6-403.6-405 6-403.11 Receptacles, Waste Handling Units, and Designated Storage Areas

~~Receptacles,~~

~~Storage areas, enclosures, receptacles, and waste handling units and areas designated for storage of refuse, recyclables, and recyclable or returnable containers shall~~returnables must be located ~~where the~~ CONTAMINATION of FOOD, EQUIPMENT, UTENSILS, LINEN and SINGLE SERVICE ARTICLES or SINGLE-USE ARTICLES ~~shall not occur.~~

~~as specified under § 5-501.10.~~

6-5	Maintenance and Operation
Subpart	
6-501	Premises, Structures, Attachments, and Fixtures—Methods

6-501 Premises, Structures, Attachments, and Fixtures—Methods

6-501.1 6-501.11 Repairing

~~The PHYSICAL FACILITIES shall~~

Facilities must be maintained in good repair.

6-501.2 6-501.12 Cleaning, Frequency and Restrictions

~~The PHYSICAL FACILITIES shall~~

(A) Facilities must be cleaned as often as necessary to keep them clean.

~~Cleaning shall~~

- (B) ~~Except for cleaning that is necessary because of a spill or other accident, cleaning must be done during periods when the least amount of food is exposed, including but not limited to after closing. This requirement does not apply to cleaning that is necessary due to a spill or other accident and the potential for cross-contamination is minimized.~~

6-501.3 ~~6-501.13~~ Cleaning Floors, Dustless Methods

- (A) ~~Except as specified in ¶ (B) of this section, only dustless methods of cleaning shall must be used including but not limited to, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust and dust-arresting compounds.~~

- (B) Spills or drippage on floors that occur between normal floor cleaning times shall may be cleaned:

~~6-501.14~~

- (1) ~~Without the use of dust-arresting compounds, and~~
- (2) ~~In the case of liquid spills or drippage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.~~

6-501.4 Cleaning Ventilation Systems, Nuisance and Discharge Prohibition

- (A) ~~Intake and exhaust air ducts shall must be cleaned, and filters changed as necessary to prevent CONTAMINATION~~
- (A) ~~by so they are not a source of contamination by~~ dust, dirt, and ~~or~~ other materials.
- (B) If vented to the outside, ventilation systems shall must not create a public health hazard, nuisance, or ~~impair the environment~~ unlawful discharge.

6-501.5 ~~6-501.15~~ Cleaning Maintenance Tools, Preventing Contamination

- (A) ~~Food preparation sinks, HAND WASHING handwashing sinks, and WARE WASHING EQUIPMENT shall warewashing equipment must not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water, and other liquid wastes.~~

~~Toilets and urinals shall not be used as a service sink for the disposal of commercial or industrial wastewater such as mop water and similar liquid waste.~~

6-501.6 ~~6-501.16~~ Drying Mops

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

~~6-501.17~~

~~6-501.7~~ Absorbent Materials on Floors, Use Limitation

~~Except as specified in ¶ 6-501.3(B), sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials must not be used on floors.~~

~~6-501.8~~ Cleaning of Plumbing Fixtures

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

~~6-501.9~~ Closing Restroom Doors

~~Except during cleaning and maintenance operations, restroom doors must be kept closed.~~

~~6-501.76~~ 6-501.10 ~~Controlling Pests~~

The premises must be maintained free of insects, rodents, and other pests ~~shall~~. The presence of insects, rodents, and other pests must be controlled to ~~minimize~~ eliminate their presence on the premises by:

- (A) Routinely inspecting incoming shipments of food and supplies ~~for the evidence of pests,~~
- (B) Routinely inspecting the premises for evidence of pests.
- (C) Using methods, if pests are found, ~~including but not limited to such as~~ trapping devices or other means of pest control ~~as specified under §§ 7-202.2, 7-206.2, and 7-206.3, and~~
- (D) Eliminating ~~pest~~ harborage conditions.

~~6-501.86~~ 6-501.11 ~~6-501.18~~ ~~Removing Dead or Trapped Birds, Insects, Rodents, and Other Pests~~

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

~~6-501.96~~ 6-501.12 ~~6-501.19~~ ~~Storing Custodial/Maintenance Tools~~

~~Custodial~~ Maintenance tools ~~including but not limited to such as~~ brooms, mops, vacuum cleaners, and similar items ~~shall~~ must be:

- (A) Stored ~~in a place so they do not contaminate food, equipment, utensils, linens, and manner that ensures that FOOD, EQUIPMENT, UTENSILS, LINEN, single-service and single-SERVICE ARTICLES use articles, and SINGLE-USE ARTICLES are not contaminated.~~
- (B) Stored in an orderly manner that facilitates cleaning the ~~storage~~ area used for storing the ~~custodial/maintenance~~ tools.

~~6-501.106~~ 6-501.13 ~~6-501.20~~ ~~Maintaining Premises, Unnecessary Items and Litter~~

The premises ~~shall~~ must be ~~kept~~ free from of:

- ~~(A) — Items which that are not necessary/unnecessary to the operation or maintenance of the FOOD-ESTABLISHMENT,~~
- (A) ~~establishment such as~~ equipment that is ~~nonfunctional or~~ no longer used ~~or not in working order,~~ and
- (B) Litter.

~~6-501.116~~ 6-501.14 ~~6-501.21~~ ~~Prohibiting Animals~~

~~(A) — Except as specified in ¶¶ (B) and (C) of this section,~~ live animals ~~shall~~ must not be allowed on the premises of a food establishment ~~only.~~

~~(A)~~ (B) Live animals may be allowed in the following situations ~~and provided that if the~~ contamination of food, grocery carts or baskets, dining tables or chairs, clean equipment, utensils, ~~LINEN~~ linens, and unwrapped single-service ~~ARTICLES~~ and single-use articles ~~shall not occur/cannot result:~~

- ~~(A) —~~ Edible fish or decorative fish in aquariums, ~~SHELLSTOCK~~ shellfish or crustacea on ice, or under refrigeration, and
- (1) ~~SHELLSTOCK~~ shellfish and crustacea in display tank systems.

~~(2)~~ Patrol dogs accompanying police or security officers in offices ~~and dining, sales and,~~ storage areas, and dining areas.

~~(2)(3)~~ Sentry dogs running loose in exterior/outside fenced areas ~~provided the outside areas are properly maintained, for security reasons.~~

~~(3)(4)~~ Service animals as defined by NRS 426.097, and as provided by the Americans with Disabilities Act, controlled by the disabled employee or person in areas that are not used for food preparation, and that are usually open for customers, ~~including but not limited to such as~~ dining and sales areas, ~~SERVICE ANIMALS that are controlled by the disabled employee or PERSON, if a health or safety hazard will not result from the presence or activities of the service animal. Such animals shall not be allowed on the seats and/or tables in a FOOD ESTABLISHMENT.~~

~~(B) — FOOD HANDLERS shall not care for or handle pets while on duty.~~

~~Nothing in this Section shall be construed, or~~

~~(C) — Dogs in conflict, with the Americans with Disability Act.~~

~~6-601—BARBECUES~~

~~6-601.11—Indoor BARBECUES~~

~~An indoor BARBECUE shall meet the structural and EQUIPMENT requirements for a FOOD ESTABLISHMENT as specified in Chapter 4 of these Regulations.~~

~~6-601.12—Outdoor BARBECUES~~

~~An outdoor BARBECUE shall meet the following requirements:~~

- ~~(A) Before a FOOD ESTABLISHMENT constructs or operates a BARBECUE, a plan shall be submitted to the HEALTH AUTHORITY for approval. The plan shall include a layout drawing showing placement of EQUIPMENT and finishes to be used. It shall also include a comprehensive list of all EQUIPMENT to be used, including specification sheets. The plan shall include the BARBECUE unit, tables, hot and cold holding EQUIPMENT, and FOOD transport EQUIPMENT.~~
- ~~(B) A narrative describing the operation of the BARBECUE, including the flow of FOOD to and from the BARBECUE area, thawing, preparation, transport, cold and hot holding, cooling of cooked FOOD, and service. Methods for preparing FOOD, and the kinds of FOOD to be cooked at a BARBECUE, shall be APPROVED by the HEALTH AUTHORITY.~~
- ~~(C) Proof of compliance with local building/fire codes, or ordinances shall be provided, in writing, to the HEALTH AUTHORITY, before the Plan Review for a BARBECUE may be completed.~~

~~6-601.13 Site Requirements~~

- ~~(A) The HEALTH AUTHORITY shall consider whether to approve the location of a BARBECUE based on factors, including, but not limited to, the weather, existing or potential sources of CONTAMINATION, the ability of the facility to protect FOOD, and the presence of insects and vermin.~~
- ~~(B) The BARBECUE shall be located on the property where the FOOD ESTABLISHMENT is located, and cannot be more than 50' from the structure housing the ESTABLISHMENT.~~
- ~~(C) The site of the BARBECUE shall drain properly to ensure that water will not pool, collect, cause a health HAZARD, or otherwise impair the environment. The walking surfaces within 25' of the BARBECUE shall be capable of being kept clean and free of organic materials.~~
- ~~(D) The area underlying the BARBECUE shall be a hard, cleanable surface.~~
- ~~(E) The BARBECUE shall be located in an open area with no overhanging trees, wires, or other impediments above the BARBECUE.~~
- ~~(F) A fixed in place, or permanent BARBECUE, shall not be located in a parking lot.~~

~~6-601.14—Structure Requirements~~

- ~~(A) All dining areas at an outdoor BARBECUE, with the exception of the BARBECUE cooking device, shall be provided with overhead protection.~~
- ~~(B) In the area surrounding a BARBECUE, dust shall be minimized by using a device to block wind, or a type of ground cover that has been APPROVED by the HEALTH AUTHORITY.~~

~~6-601.15—EQUIPMENT Requirements~~

- ~~(A) All FOOD service EQUIPMENT, with the exception of the BARBECUE unit, shall meet design, materials, and construction standards of NSF/ANSI or be equivalent to those standards. Metal or other materials meeting the FOOD ZONE material and construction requirements of NSF/ANSI Standard 2 may be used for FOOD preparation surfaces or transport containers. Metal framing shall be used for all structures under counter tops used for FOOD preparation or on, which FOOD EQUIPMENT is installed and/or plumbed.~~
- ~~(4)(5) All BARBECUE units and EQUIPMENT, not otherwise certified, shall be non-toxic and easy to clean. EQUIPMENT, including the interior of a cabinet unit or compartment, shall be constructed so as to have SMOOTH and easily accessible and EASILY CLEANABLE surfaces, with at least 1/8" horizontal and vertical coves, free from channels, crevices, flanges, ledges, sharp or jagged edges, or other cleaning obstructions. FOOD contact and splash surfaces shall be constructed of a solid material including but not limited to stainless steel, granite, or corian-like material. The surfaces shall be free of pits, cracks, rust, and other obstructions that could interfere with proper cleaning, without passing through the food establishment, and the patrons and staff operate in accordance with a signed Doqs in Outdoor Dining Areas Agreement (Appendix C), and~~
- ~~(B) There shall be no provision made at the outdoor BARBECUE area for pre-cooking preparation. The preparation of FOOD shall be completed in the FOOD ESTABLISHMENT before the FOOD is transported to the BARBECUE. Seasoning and sauces may be applied during the cooking process. Cooked product shall~~

be adequately separated from raw product on the grill. Any service, from the BARBECUE, to the customer shall be direct and immediate.

- (C) Proper protective storage of wood chips, bark, or other organic materials used for smoking and flavoring in the cooking process, shall be provided at the BARBECUE located to prevent CONTAMINATION of FOOD.
- (D) Customers of the FOOD ESTABLISHMENT shall be separated from the BARBECUE by a distance of not less than 5' by partitions, planters, walls, or similar means.
- (E) All refrigerators intended for the storage of raw FOOD for a BARBECUE shall meet the applicable requirements of *NSF/ANSI Standard 7*.
- (F) Hot holding EQUIPMENT shall be properly powered, meeting the requirements of *NSF/ANSI Standard 4*, for holding and transporting cooked FOOD.

6-601.16 — Storage Requirements

- (A) Sufficient refrigerated and dry storage for FOOD shall be provided for the BARBECUE unit.
- (B) POISONOUS or TOXIC MATERIALS, cleaning materials, and EQUIPMENT shall be stored separately from FOOD or FOOD contact items.

6-601.17 — Hand Wash Facilities

- (A) Shall be conveniently located, operational, and easily accessible all times while the BARBECUE unit is in use.
- (B) BARBECUE units may have the HAND WASHING SINK installed on the unit.
- (C) The HAND WASHING SINK may be installed on an adjacent unit that is part of the same PERMIT.
- (D) The HAND WASHING SINK shall be an *NSF/ANSI APPROVED* portable unit or,
- (E) The HAND WASHING SINK shall be permanently installed and plumbed on an adjacent wall.
- (F) The HAND WASHING SINK shall be adequate in size, and so located as to permit convenient and expeditious use by all employees. The minimum sink size is 10" x 10" x 6" with a 12" clearance above the sink.
- (G) Each HAND WASHING SINK is to be a unit with tempered, or hot and cold running water, with a soap and paper towel dispenser, and at least 18" of separation between the sink and FOOD CONTACT SURFACES.
- (H) Splash guards may be used in areas with limited space, if 18" of separation are not available.
- (I) At the sole discretion of the HEALTH AUTHORITY, BARBECUE units that are used only to cook cuts of MEAT without processing or handling of the cooked product at the BARBECUE, and without service from the BARBECUE to the customer, and solely for the handling and processing of the cooked product inside the associated PERMITTED FOOD ESTABLISHMENT, may be exempt from the requires of Section 6-601.17 (A) of this Chapter.

6-601.18 Employee Toilet Facilities

Employee toilet facilities:

- (A) Shall meet the requirements specified in Chapter 5-204.11 and Chapter 6-202.14 of these regulations.
- (B) Operators of outdoor BARBECUE shall maintain a permission letter from the owner of the facility allowing their employees use of the restrooms, during all hours of operation, unless operator and owner are the same.

6-601.19 — Lighting

- (A) At least 50 foot candles of light are required on all work surfaces of EQUIPMENT.
- (B) BARBECUE units without overhead lighting shall cease operations when ambient lighting is insufficient to meet this requirement.

6-601.20 FOOD Shields

FOOD shields shall be required at all interface areas to provide a barrier between the CONSUMER and unPACKAGED, READY-TO-EAT FOOD, or FOOD service, FOOD display or FOOD processing areas not separated from the CONSUMER by a minimum horizontal distance of 30" or more; and,

- (A) FOOD shields shall be mounted to intercept a direct line between customer's mouth and the FOOD display area.
- (B) FOOD shields, as installed, shall comply with the construction, materials, finishes, and formula requirements established by *NSF/ANSI Standard 2, Section 5.35*.

6-602 — Swap Meets

6-602.11 — Conditions

A swap meet may sell PRE PACKAGED FOOD, or other items regulated by the HEALTH AUTHORITY or AGENCY OF JURISDICTION, if the following conditions are met:

- (A) Non-PHF (TCS) items presented for sale in their original packaging may be sold in a booth which has carpeted floors and plastic laminate shelves.

- ~~(B) Refrigerated items for sale in the original package shall be displayed on a floor with a SMOOTH and EASILY CLEANABLE surface.~~
- ~~(C) Exposed wood is not allowed in the walls, floors or shelving material.~~

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- (6) Caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals in areas that are not used for food preparation, storage, sales, display, or dining.
- (C) Live or dead fish bait must be stored where contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles cannot result.

Chapter 7 Poisonous or Toxic Materials

Parts

- 7-1 Labeling and Identification
- 7-2 Operational Supplies and Applications ~~7-3~~ ~~Stock and Retail Sale~~

- ~~7-101~~ ~~Original Containers~~
- ~~7-3~~ ~~7-101.11 Stock and Retail Sale~~

7-1	Labeling and Identification
Subparts	
7-101	Identifying Information on Original Containers
7-102	Common Name on Working Containers

7-101 Identifying Information, ~~Prominence on Original Containers~~

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

7-102 Common Name on Working Containers

~~7-102.11 Labeling of Working Containers~~

Working containers used for storing poisonous or toxic materials, ~~including but not limited to such as~~ cleaners and sanitizers taken from bulk supplies, ~~shall~~ must be clearly and durably labeled in English individually identified with the common name of the material. ~~Other applicable languages may be used in addition to the English name.~~

- ~~(A) Those products that, due to chemical composition or concentration, require removal or rinsing from a FOOD-CONTACT SURFACE shall be labeled with directions for proper use.~~
- ~~(B) The concentration of a chemical sanitizing solution shall be frequently and accurately determined by using sanitizer test strips, a test kit, or other device.~~
- ~~(C) Applicable precautionary or danger statements from the original container shall be transcribed to the working container.~~

7-2	Operational Supplies and Applications
Subpart	
7-201	Separation in Storage
7-202	Presence and Use
7-203	Poisonous or Toxic Material Container Prohibitions
7-204	Chemicals
7-205	Criteria for Lubricants with Incidental Food Contact
7-206	Pesticides
7-207	Medicines
7-208	Storage of First Aid Supplies
7-209	Storage of Other Personal Care Items

7-201 Separation in Storage

~~7-201.11 Separation~~

~~POISONOUS OR TOXIC MATERIALS shall~~

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

- (A) Separating the poisonous or toxic materials by spacing or partitioning, ~~and~~

- ~~(A) Locating the poisonous or toxic materials in an area location that is not above food, equipment, utensils, LINEN, and SINGLE SERVICE ARTICLESlinens, and single-service and single-use articles. This paragraph does not apply to equipment, UTENSILS, and utensil cleaners and sanitizers that are stored in ware washing~~warewashing~~ areas for availability and convenience, if the materials are stored to prevent contamination of food, equipment, utensils, LINEN, and SINGLE SERVICE ARTICLESlinens, and single-USE ARTICLES.~~
- ~~(B) Grouping POISONOUS OR TOXIC MATERIALS by the following categories:~~
- (B)** ~~Pesticides, including insecticides~~service and ~~rodenticides~~single-use articles.
- ~~(1) Detergents, sanitizers, related cleaning and drying agents, caustics, acids, polishes, and other chemicals.~~
- ~~(C) Pesticides shall be stored in locked cabinets which do not contain FOOD, FOOD UTENSILS, FOOD-EQUIPMENT, SINGLE SERVICE ARTICLES, etc., except as specified in Section 7-301.11 of this Chapter.~~

~~(D) Chemicals that are directly used in the cleaning and operation of the FOOD ESTABLISHMENT shall be stored in a manner that will not contaminate FOOD or FOOD CONTACT SURFACES.~~

7-202 Presence and Use
7-202.1 Restriction

- (A) Only those poisonous or toxic materials that are required for the operation and maintenance of ~~the FOOD ESTABLISHMENT, including but not limited to a food establishment, such as for~~ the cleaning and sanitizing of equipment and utensils, and ~~for~~ the control of insects and rodents ~~shall, must~~ be allowed in a food establishment.
- (B) Paragraph (A) of this section does not apply to packaged poisonous or toxic materials, ~~which that~~ are for retail sale ~~as specified in Section 7-301.11 of this Chapter.~~

~~7-202.17-202.2~~ **7-202.12 Conditions of Use**
~~POISONOUS OR TOXIC MATERIALS shall be:~~
Poisonous or toxic materials must be:

- (A) Used according to:
- (1) Law and these regulations,
 - (2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's ~~statement~~label instructions that state that use is allowed in a food establishment,
 - (3) The conditions of certification, if certification is required, for use of the pest control materials, and
 - (4) Additional conditions that may be established by the REGULATORY AUTHORITY-Health Authority, and
- (B) Applied so that:
- (1) A hazard to employees or other persons is not constituted, and
 - (2) Contamination, including ~~the presence of, without limitation,~~ toxic residues due to drip, drain, fog, splash, or spray on food, equipment, utensils, ~~LINEN~~linens, and single-service ~~ARTICLES~~ and single-use articles is prevented, which, for a restricted-USE PESTICIDE, this may use pesticide, must be achieved by:
 - (a) Removing the items,
 - ~~(a) Protecting~~Covering the items with impermeable covers-
 - (b) or taking other appropriate preventive ~~measures,~~actions, and
 - (c) Cleaning and sanitizing equipment, and utensils, after ~~pesticide~~the application.If a RESTRICTED USE PESTICIDE is used, it shall
- (C) A restricted-use pesticide must be applied only by a certified~~an~~ applicator ~~as required in NAC certified by the State of Nevada in accordance with NAC Chapter 555 and 40 CFR 152, or a PERSON~~an individual under the direct supervision of a certified applicator.

7-203 Poisonous or Toxic Material Container Prohibitions

~~7-203.11~~ **POISONOUS OR TOXIC MATERIAL Containers**

A container previously used to store poisonous or toxic ~~MATERIAL shall~~materials must not be used to store, transport, or dispense food.

~~A FOOD container shall not be used to store, transport or dispense POISONOUS OR TOXIC MATERIALS.~~

7-204 Chemicals

7-204.1 ~~7-204.11~~ Sanitizers, Criteria

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

(A) Meet the requirements ~~as~~ specified in 40 CFR 180.940, *Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions)*, or

~~7-204.12~~

(B) Meet the requirements as specified in 40 CFR 180.2020 *Pesticide Chemicals Not Requiring a Tolerance or Exemption from Tolerance Non-food determinations.*

7-204.2 Chemicals for Washing, Treatment, Storage and Processing Fruits and Vegetables, Criteria

(A) Chemicals, including those generated on-site, used to wash or peel raw, ~~and~~ whole fruits and vegetables, ~~shall meet or used in the requirements specified in 21 CFR 173.315, *Chemicals Used in Washing or to Assist in the Peeling*~~ treatment, storage, and processing of fruits and vegetables ~~must~~:

(1) Be an approved food additive listed for this intended use in 21 CFR 173 *Perfluorinated ion exchange membranes, or*

(2) Be generally recognized as safe (GRAS) for this intended use, or

(3) Be the subject of an effective food contact notification for this intended use (only effective for the manufacturer or supplier identified in the notification), and

(4) Meet the requirements in 40 CFR 156 *Labeling Requirements for Pesticides and Devices.*

~~(A)~~ Ozone as an antimicrobial agent used in the treatment, storage, and processing of fruits and vegetables in a

(B) ~~FOOD ESTABLISHMENT shall~~ food establishment must meet the requirements specified in 21 CFR 173.368 Ozone.

7-204.3 ~~7-204.13~~ Boiler Water Additives, Criteria

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

7-204.4 ~~7-204.14~~ Drying Agents, Criteria

Drying agents used in conjunction with sanitization ~~shall~~must:

(A) Contain only components that are listed as one of the following:

~~Generally recognized as safe~~

(1) GRAS for use in food as specified in 21 CFR 182 ~~—*Substances Generally Recognized as Safe*, or 21 CFR 184, *Direct Food Substances Affirmed as Generally Recognized as Safe*~~.

~~Generally recognized as safe~~

(2) GRAS for the intended use as specified in 21 CFR 186 ~~—*Indirect Food Substances Affirmed as Generally Recognized as Safe*~~.

(3) GRAS for the intended use as determined by experts qualified in scientific training and experience to evaluate the safety of substances added, directly or indirectly, to food as described in 21 CFR 170.30 *Eligibility for classification as generally recognized as safe (GRAS).*

(4) Subject of an effective Food Contact Notification as described in the Federal Food Drug and Cosmetic Act Section 409(h).

~~(3)(5)~~ Approved for use as a drying agent under a prior sanction ~~specified in 21 CFR 181, Prior Sanctioned Food Ingredients~~ as described in the Federal Food Drug and Cosmetic Act (FFDCA) § 201(s)(4).

~~(4)(6)~~ Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR Parts ~~174-178, or~~

~~(1)~~ Approved for use as a drying agent under the threshold of ~~the~~ regulation process ~~as specified in~~ ~~(5)(7)~~ established by 21 CFR 170.39; ~~Threshold of regulation for substances used in food~~ ~~Contact Articles;~~ ~~contact articles;~~ and

(B) When sanitization is with chemicals, the ~~approval required~~ requirements under ~~Paragraph Subparagraph (A) (3) or (5), (A) (5)(6), or (A) (7)~~ of this section, ~~or the Regulation as an indirect FOOD ADDITIVE required under Paragraph (A) (4) of this Section,~~ shall must be specifically for use with chemical sanitizing solutions.

~~7-201~~ Criteria for Lubricants

~~7-205~~ 7-205.11 with Incidental Food Contact, Criteria

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

~~7-206~~ Pesticides

~~7-206.1~~ 7-206.11 RESTRICTED-Restricted-Use Pesticides, Criteria

~~RESTRICTED USE PESTICIDES, as~~

~~Restricted-use pesticides~~ specified in ~~Section under ¶ 7-202.12-2(C) of this Chapter,~~ shall must meet the requirements specified in 40 CFR 152 Subpart I, *Classification of Pesticides*.

~~(A) Only pesticides APPROVED by the Nevada State Department of Agriculture for use in a FOOD ESTABLISHMENT shall be used.~~

~~(B) If a general use pesticide is used:~~

~~(1) Automatic spray dispensers shall be installed pursuant to the manufacturer's instructions, but in no case directly above FOOD, and at least 15 linear feet from any PACKAGED or unPACKAGED FOOD, or from any surface which may come into contact with FOOD or UTENSILS.~~

~~(2) The active material dispersed through the automatic spray dispenser shall be limited to pyrethrins, piperonyl butoxide, and MGK-264 (N-octylbicycloheptene dicarboximide).~~

~~(3) Pesticides may not be applied as a component of paint in an area where FOOD is exposed or an area which is subject to drips, drains, or splashes.~~

~~(C) The operator of a FOOD ESTABLISHMENT, or a Certified Pest Operator, who engages in the regular application of pesticides at the ESTABLISHMENT shall maintain a record of application. Such records shall be kept for 2 years and made available upon the request of the HEALTH AUTHORITY. A copy of each record shall include:~~

~~(1) The name of the applicator.~~

~~(2) The name of the chemical(s) used, and the purpose for the application.~~

~~(3) The dates of application.~~

~~(4) The method(s) used for the protection of FOOD, EQUIPMENT, and PERSONS.~~

~~(5) The method used for cleaning the ESTABLISHMENT after the application of the pesticide.~~

~~(6) Keeping a copy of each report for 2 years.~~

~~7-206.2~~ 7-206.12 Rodent Bait Stations and Snap Traps

Rodent bait ~~shall~~ or snap traps must be contained in a covered, tamper-resistant bait station.

~~7-206.3~~ 7-206.13 Tracking Powders, Pest Control and Monitoring

~~(A)~~ Except as specified in ~~NAC 446.490~~ (B) of this section, a tracking powder, ~~toxic or pesticide~~ must not be used in a food establishment.

~~(A),(B)~~ If used, a nontoxic, ~~shall~~ tracking powder such as talcum or flour must not be used in a ~~FOOD-ESTABLISHMENT~~, ~~contaminate~~ food, equipment, utensils, linens, and single-service and single-use articles.

7-207 Medicines

7-207.1 ~~7-207.11~~ Restriction and Storage

(A) Except for medicines that are stored, or displayed for retail sale, only those medicines that are necessary for the health of employees ~~shall~~ may be allowed in a food establishment.

(B) Medicines ~~present that are~~ in a food establishment, for the ~~employees'~~ employees' use ~~shall~~ must be labeled, as specified ~~in Section under § 7-101.11 of this Chapter, 1~~ and located to prevent ~~the~~ contamination of food, equipment, utensils, ~~LINEN~~ linens, and single-service ~~ARTICLES~~ and single-use articles.

7-207.2 ~~7-207.12~~ Refrigerated Medicines, Storage

Medicines belonging to employees, or to children in a day care center, ~~which~~ that require refrigeration and are stored in a food refrigerator ~~shall~~ must be:

(A) Stored in a package or container and kept inside a covered, ~~leak-proof~~ leakproof container that is identified as a container for the storage of medicines, ~~and~~

~~(A) In a container that is labeled as a medication for an employees' use.~~

~~(B) Stored on the bottom shelf of the refrigerator.~~

~~(B) Located so they are inaccessible to children.~~

7-208 Storage of First Aid Supplies ~~7-208.11 — Storage~~

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

- ~~(A) Labeled as specified in Section under § 7-101.11 of this Chapter, and~~
- ~~(B) Stored in a kit, or a container, that is located to prevent the contamination of food, equipment, utensils, LINEN, and SINGLE SERVICE ARTICLES linens, and single-USE ARTICLES-service and single-use articles.~~

7-209 Storage of Other Personal Care Items

~~7-209.11 — Storage~~

~~Employees shall~~

~~Except as specified under §§ 7-207.2 and 7-208, employees must store their personal care items in facilities physically separate from all FOOD and FOOD CONTACT SURFACES, except as specified in Chapter under ¶ 6-401.11 of these Regulations.305.1 (B).~~

~~7-301 — Storage~~

~~7-301.11 —~~

7-3	Stock and Retail Sale
Subpart	
7-301	Separation during Storage and Display

7-301 Separation During Storage and Display

~~POISONOUS OR TOXIC MATERIALS shall~~

~~Poisonous or toxic materials must be stored and displayed for retail sale to prevent CONTAMINATION of FOOD, EQUIPMENT, UTENSILS, LINEN, so they cannot contaminate food, equipment, utensils, linens, and single-service-ARTICLES and single-use articles by:~~

- ~~(A) Separating the poisonous or toxic materials by spacing or partitioning, and~~
- ~~(B) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, LINEN, SINGLE SERVICE ARTICLES linens, and single-USE ARTICLES-service and single-use articles.~~

Chapter 8

Chapter 8 Compliance and Enforcement

Parts

- 8-1 Regulatory Applicability
- 8-2 ~~Plan Submission and Approval~~
- ~~8-28-3~~ Permit to Operate
- ~~8-38-4~~ Inspection and Correction of Violations
- 8-5 Prevention of ~~Food-Borne~~Foodborne Disease Transmission by Employees 8-5 — Service
- 8-6 Administrative, Hearing, and Appeals Process

8-1	Regulatory Applicability
Subparts	
8-101	Use for Intended Purpose—Public Health Protection
8-102	Additional Requirements for Preventing Health Hazards, Provision for Conditions Not Addressed
8-103	Waivers

8-101 Use for Intended Purpose -Public Health Protection

- (A) Existing facilities or equipment that were in use and approved before the effective date of ~~Notice and Severability~~ these regulations will be considered compliant only when:
 - (1) The facilities or equipment are in good repair and capable of being maintained in a sanitary condition.
 - (2) Food-contact surfaces comply with Subpart 4-101.
 - (3) The capacities of cooling, heating, and holding equipment comply with § 4-301.1, and
 - (4) The permit holder has not changed or substantially remodeled the facility.

~~8-101~~ Additional Requirements for Preventing Health Hazards
~~8-1018-102~~ 8-101.11, Provision for Conditions Not Addressed in these Regulations

- The HEALTH AUTHORITY shall address conditions when
- (A) If necessary to protect against public health ~~and hazards or nuisances~~, the Health Authority may impose specific requirements in addition to the requirements ~~specified~~contained in these regulations, ~~and as authorized by NRS 439.410.~~
 - (B) The Health Authority shall~~must~~ document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall~~must~~ be provided to the permit applicant or permit holder, and a copy shall~~must~~ be maintained in the Health Authority's file for the food establishment.

~~8-102~~ Records
~~8-102.11~~ Permission to Examine Records

The HEALTH AUTHORITY shall be allowed to examine and obtain pertinent information concerning FOOD and supplies purchased, received or used, pest control records, and PERSONS employed as specified in NRS 446.890, and any other record deemed necessary by the HEALTH AUTHORITY.

8-102.12 Access Allowed at Reasonable Times
 After the HEALTH AUTHORITY presents official credentials and states the intention to conduct an inspection, the PERSON IN CHARGE shall allow the HEALTH AUTHORITY access to the facility during the FOOD ESTABLISHMENT's hours of operation and other reasonable times, to determine if the FOOD ESTABLISHMENT is in compliance with

these Regulations. The inspection process includes, but is not limited to, the taking of photographs pertinent to the inspection, and the review of information and records as specified in these Regulations to which the HEALTH AUTHORITY is entitled according to *NRS 446.890*.

~~8-102.13 Refusal, Notification of Right to Access, and Final Request for Access~~

~~If a PERSON denies access to the HEALTH AUTHORITY, the HEALTH AUTHORITY shall:~~

~~(A) Inform the PERSON that:~~

~~(1) The PERMIT HOLDER is required to allow access to the HEALTH AUTHORITY as specified in Paragraph 8-204.12 (G) of this Chapter.~~

~~(2) Access is a condition of the acceptance and retention of a FOOD ESTABLISHMENT health PERMIT to operate.~~

~~(3) If access is denied, contact with the local enforcement agency will be made in accordance with *NRS 446.940-945* to assist with entrance into the facility.~~

~~8-102.14 Refusal, Reporting~~

~~If the PERSON IN CHARGE continues to refuse access after the HEALTH AUTHORITY has presented credentials, provided notice as specified in Paragraph 8-102.12 of this Section, explained the authority upon which access is requested, and makes a final request for access, the HEALTH AUTHORITY shall provide details of the denial of access on an inspection report form.~~

~~8-102.15 Intimidation of a Public Officer~~

~~As specified in *NRS 199.300*, it is unLAWful for any PERSON to directly or indirectly intimidate a public officer.~~

(C) If a food establishment objects to additional requirements imposed upon it, the permit holder may request a hearing before the Board of Health. In order to object and request a hearing, the permit holder must notify the Health Authority of its objection and desire for a hearing within five business days of the date documentation was sent pursuant to Subsection (B).

Commented [CS47]: Comment:
What if this is emailed to the wrong person etc.? We would request a method of documentation that the facility received the letter. Is this business or calendar days?

8-103 Waivers

8-103.1 Modifications and Waivers

The Health Authority may grant a waiver by modifying the requirements of these regulations if in the opinion of the Health Authority a health hazard or nuisance will be sufficiently mitigated. If the permit holder fails to meet the conditions of the waiver, the Health Authority may revoke the waiver. Waivers automatically terminate without further notice upon change of permit holder.

Commented [CS48R47]: Added business days and left the wording to give the operator flexibility in how they choose to notify SNHD.

8-103.2 Documentation of Proposed Waiver and Justification

Before a waiver request is approved, the applicant must submit the following information to the Health Authority for consideration:

- (A) A statement citing the relevant regulation to be waived,
- (B) The reasons the regulation should be waived,
- (C) An analysis of the rationale for how potential health hazards and nuisances addressed by the relevant regulation will be alternatively mitigated,
- (D) A HACCP plan, if required as specified under ¶ 8-201.3(A), that includes the information specified under § 8-201.4 as it is relevant to the waiver requested, and,
- (E) Any other information necessary to explain how the potential health hazard or nuisance will be sufficiently mitigated.

8-103.3 Conformance with Approved Procedures

If the Health Authority grants a waiver as specified in § 8-103.1, or a HACCP plan is otherwise required as specified under § 8-201.3, the permit holder must:

- (A) Comply with the HACCP plans, procedures, and conditions that are submitted as specified under §8-201.4 and approved as a basis for the modification or waiver; and
- (B) Maintain and provide to the Health Authority, upon request, records specified under ¶¶ 8-201.4(D) and (E)(3) that demonstrate that the following are routinely employed,
 - (1) Procedures for monitoring the critical control points,
 - (2) Monitoring of the critical control points,
 - (3) Verification of the effectiveness of the operation or process, and
 - (4) Necessary corrective actions if there is failure at a critical control point.

8-2	Plan Submission and Approval
Subparts	
8-201	Facility and Operating Plans
8-202	Confidentiality of Trade Secrets
8-203	Construction Inspection and Approval—Preoperational Inspections

8-201 Facility and Operating Plans

8-201.1 When Plans are Required

A permit applicant or permit holder must submit properly prepared plans and specifications to the Health Authority for review and approval before:

- (A) The construction of a food establishment.
- (B) The conversion of an existing structure for use as a food establishment, or
- (C) The remodeling of a food establishment or a change of type of food establishment or food operation as specified under 8-302 if the Health Authority determines that plans and specifications are necessary to ensure compliance with these regulations.

8-201.2 Contents of the Plans and Specifications

The plans and specifications for a food establishment, including a food establishment specified under § 8-201.3, must include, as required by the Health Authority based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate conformance with these regulation provisions:

- (A) Intended menu.
- (B) Anticipated volume of food to be stored, prepared, and sold or served.
- (C) Proposed equipment layout, mechanical and plumbing schematics, construction materials, and finish and lighting schedules.
- (D) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications.
- (E) Evidence that standard procedures that ensure compliance with the requirements of these regulations are developed or are being developed, and
- (F) Other information, such as approvals from the building department, fire prevention, and the sewer authority, that may be required by the Health Authority for the proper review of the proposed construction, conversion or modification, and procedures for operating a food establishment.

8-201.3 When a HACCP Plan is Required

- (A) Before engaging in an activity that requires a HACCP plan, a permit applicant or permit holder shall submit to the Health Authority for approval a HACCP plan as specified under § 8-201. 4 and the relevant provisions of this regulations if:
 - (1) Approval of a HACCP plan is required according to law.
 - (2) A waiver is required as specified under 3-502.1 or 4-204.7.

(B) Before engaging in reduced oxygen packaging without a waiver as specified under § 3-502.2, a permit applicant or permit holder will submit a HACCP plan to the Health Authority. The permit applicant or permit holder may engage in reduced oxygen packaging without a waiver as specified under § 3-502.2 after the Health Authority's acknowledgment of receipt for the required documentation.

8-201.4 Contents of a HACCP Plan

For a food establishment that is required under § 8-201.3 to have a HACCP plan, the permit applicant or permit holder must submit a properly prepared HACCP plan to the Health Authority that includes:

- (A) General information such as the name of the permit applicant or permit holder, the food establishment address, and contact information,
- (B) A categorization of the types of TCS foods that are to be controlled under the HACCP plan,
- (C) A flow diagram or chart for specific food or category type that identifies:
 - (1) Each step in the process, and
 - (2) The steps that are critical control points,
- (D) The ingredients, recipes or formulations, materials and equipment used in the preparation of each specific food or category type and methods and procedural control measures that address the food safety concerns involved,
- (E) A critical control point summary for each specific food or category type that clearly identifies:
 - (1) Each critical control point,
 - (2) The significant hazards for each critical control point,
 - (3) The critical limits for each critical control point,
 - (4) The method and frequency for monitoring and controlling each critical control point by the designated food handler or the PIC,
 - (5) Action to be taken by the designated food handler or PIC if the limits for each critical control point are not met,
 - (6) The method and frequency for the PIC to routinely verify that the food handler is following the approved operating procedures and monitoring critical control points, and
 - (7) Records to be maintained by the PIC to demonstrate that the HACCP plan is properly operated and managed,
- (F) Supporting documents such as:
 - (1) Food handler and supervisory training plan that addresses the food safety issues of concern;
 - (2) Copies of blank records forms that are necessary to implement the HACCP plan;

Commented [CS49]: Comment:
What does "potential approval" mean? Do facilities have to pay for a submitted HACCP plan that isn't approved? What does submit without approval mean?

Commented [CS50R49]: Changed to Food Code language above and include a HACCP exemption for items such as salsa, sushi rice, masa dough, hot brine pickling, and vegetable kimchi.

(3) Additional scientific data or other information supporting the determination that food safety is not compromised by the proposal.

(G) Any other information required by the Health Authority.

8-202 Confidentiality of Trade Secrets

The Health Authority will not treat any information as confidential unless a request is made in writing identifying the information to be kept confidential, citations to relevant legal authority, and explanation why confidentiality outweighs the public interest in availability of information. A declaration outlining which information is intended to remain proprietary in nature must accompany the request for confidentiality and will be reviewed for compliance with Nevada law. A confirmation letter will be provided once it is approved.

Commented [CS51]: Comment:
We request this paragraph to mirror food code language. This statement is too overreaching.

Commented [CS52R51]: Food Code language does not adequately cover what is specifically required in our state.

8-203 Construction Inspection and Approval—Preoperational Inspections

The Health Authority must conduct one or more preoperational inspections to verify that the food establishment is constructed and equipped in accordance with the approved plans and approved modifications of those plans, has established standard operating procedures as specified under ¶ 8-201.2(E), and is in compliance with law and these regulations.

8-3	Permit to Operate
Subparts	
8-301	Prerequisite for Operation Requirement
8-302	Application Procedure
8-303	Permit Issuance
8-304	Conditions of Retention

8-301 Prerequisite for Operation Requirement

8-201.11 PERMIT Requirements

A person ~~shall~~must not operate a food establishment without a valid ~~health PERMIT~~permit to operate issued by the Health Authority, ~~except when an exemption is granted by the HEALTH AUTHORITY as specified in NRS 446.870.~~

8-302 Health PERMIT Application Procedure

8-302.1 Submission, Conditions, and Contents 8-202.11 Application and 30 Calendar Days Before Proposed Opening

(A) An applicant must submit an application for a permit at least 30 calendar days before the date planned for opening a food establishment or the expiration date of the current permit for an existing facility.

8-302.18-302.2 Form of Submission

(A) A person desiring to operate a food establishment shall~~must~~ submit to the Health Authority a~~written~~an application for a ~~health~~health permit on a form provided by the Health Authority. ~~The application shall be submitted prior the opening date or to the date of a change of ownership.~~

8-202.12 Conditions

(B) An application for a permit or waiver is subject to the following time constraints:

~~(1)~~ Except as indicated in Subparagraph (2) of this section, applications expire 180 calendar days after the date the application is received by the Health Authority unless the Health Authority grants an extension before the expiration date.

~~(2)~~ Permit applications issued in conjunction with the construction of new establishments or in conjunction with food establishments undergoing remodeling, expire one calendar year after the date the application is received by the Health Authority unless the Health Authority grants an extension before the expiration date.

Commented [CS53]: Comment:
Remove expiration dates as many projects go past this in Las Vegas. Regularly restaurants take 6 months to 1 year to open.

Commented [CS54R53]: The expiration date does not apply to NEW and Remodel permits, see (2)

~~8-302.3~~ **Qualifications and Responsibilities of Applicants**

To qualify for a health-permit, an applicant ~~shall~~must:

~~(A)~~ Be an owner, ~~prospective owner, owner designee, of the food establishment~~ or an officer of the legal ~~ownership entity that is an owner~~ of the food establishment.

~~(B)~~ Comply with the requirements of these regulations.

~~(C)~~ Demonstrate adequate food safety knowledge or employ a PIC who demonstrates adequate food safety knowledge.

~~(D)~~ As specified under subparagraph 8-402.2, agree to allow access to the food establishment and to provide required information, as specified in and
~~NRS 446.890.~~

~~(E)~~ Pay the applicable health PERMIT fees either at the time the application is submitted or by the payment due date.

~~8-302.28-302.4~~ ~~8-202.13~~ **Contents of the Application**

The application ~~shall~~submission must include:

~~(A)~~ The name, mailing address, telephone number, email, and signature of the person applying for the health PERMIT, and who is an owner of the business or owner's designee.

~~(A)~~ The name, mailing address, and location of the FOOD ESTABLISHMENT. If an application is made by a corporation, an LLC, or partnership, the names of the members or officers and signature of at least one member or officer, the corporate phone number, and address shall be provided.

~~(B)~~ Information specifying whether the FOOD ESTABLISHMENT is owned by an association, corporation, individual, partnership, or other legal entity.

~~(C)~~ The name, title, address, and telephone number of the PERSON directly responsible for the FOOD ESTABLISHMENT.

~~(D)~~ The name, title, address, and telephone number of the PERSON who functions as the immediate supervisor of the PERSON specified in Paragraph (C) of this Section including but not limited to the zone, district, or regional supervisor.

~~(B)~~ the physical location of the food establishment, including but not limited to street address, proof of ownership, Grant Bargain Sale

~~(A)~~~~(C)~~ A copy of the deed, lease, management agreement, or other legal document that establishes the standing of the applicant with respect to the property, demonstrating the right to occupy and control where the food establishment is to be located.

~~(E)~~ The names, titles, and business addresses of:

~~(1)~~ The PERSON's comprising the legal ownership as specified in Paragraph (B) of this Section, including the owners, managing members, and officers.

Commented [CS55]: Comment:
The owner cannot always sign the application

Commented [CS56R55]: Owner or designee

~~(2) The local authorized applicant, if one is required, based on the type of legal ownership. Authorization shall be in writing and shall be signed by the owner or corporate officer, managing member, or other authorized PERSON.~~

~~(B)~~(D) A statement signed by the applicant that:

- (1) Attests to the accuracy of the information provided in the application, and
- (2) Affirms that the applicant will:
 - (a) Comply with these regulations, and
 - (b) Allow the HEALTH AUTHORITY As specified under subparagraph 8-402.2, agree to allow access to the food establishment and to provide required information as specified in Paragraph 8-NRS 446.890, and 102.12 of this Chapter, and to any records needed to establish compliance with these Regulations.

~~(E)~~ A completed food establishment questionnaire,

~~(C)(F)~~ A statement signed by the applicant declaring exempt or non-exempt status of the facility as specified in the Nevada Clean Indoor Air Act, NRS 202.2483. Facilities declaring exempt status shall~~must~~ also provide documentation verifying exempt status, including but not limited to a non-restricted gaming license, a retail tobacco store license, or any other exemption as specified in NRS 202.2483, Subsection 3-, and,

~~(D)(G)~~ Other information ~~as~~ required by the Health Authority.

~~8-201~~ **New, Converted, or Remodeled Establishments**

~~8-203.11~~ **Approval Process**

~~For FOOD ESTABLISHMENTS required to submit plans as specified in Chapter 4 101.11 of these Regulations, the HEALTH AUTHORITY shall~~

~~8-303~~ **Issuance**

~~8-303.1~~ **Permit Issuance**

The Health Authority may issue a health permit to the applicant a food establishment after the following requirements are met:

~~(A)~~ A properly completed application is submitted. ~~The application form is available on SNHD's Website.,~~

~~(A)~~ The required fees are ~~fee is~~ paid.

~~(B)~~ The required plans, specifications, and information have been reviewed and APPROVED.

~~(C)~~ A pre-operational ~~final permitting~~ inspection ~~as specified in Chapter 4 102.11 of these Regulations-~~ showingshows that the ESTABLISHMENT is built ~~food establishment:~~

~~(1)~~ Has designated a PIC with adequate food safety knowledge,

~~(2)~~ Has the necessary equipment and infrastructure to support the intended menu and anticipated volume of food to be stored, prepared, and sold or served, and

~~(3)~~ Is in substantial compliance with these regulations either by:

~~(a)~~ Being constructed, converted, or remodeled in accordance with the approved plans and specifications, and that the ESTABLISHMENT is in compliance with these Regulations, or

~~8-203.12~~ **Change of Ownership of an Existing Establishment**

~~An existing FOOD ESTABLISHMENT, at the time of change of ownership, shall meet the following requirements prior to issuance of a health PERMIT:~~

~~(A)~~ The HEALTH AUTHORITY may issue a health PERMIT to ~~Receiving 15 or fewer demerits during a new owner of an existing FOOD ESTABLISHMENT after a properly completed application is submitted, reviewed, APPROVED, fees are paid, and a~~ final permitting inspection ~~resulting in 10 DEMERITS or less of CRITICAL or MAJOR VIOLATIONS showing that the establishment is in substantial compliance with these Regulations.~~

~~(B)~~ The HEALTH AUTHORITY may require replacement of existing facilities and EQUIPMENT that are no longer serviceable, with facilities and EQUIPMENT that comply with these Regulations as specified in Paragraph 8-204.12 (H) of this Chapter.

~~(b)~~ Facilities. Food establishments receiving more than 10 DEMERITS of violations shall ~~15 demerits during a final permitting inspection for change of permit holder must be closed until~~ , if in operation. A reinspection may be conducted after applicable fees are paid, and a ~~reinspection is conducted resulting~~ must result in a total of 10 DEMERITS ~~15 or less of violations~~ fewer demerits, with no identical CRITICAL repeat priority or MAJOR VIOLATIONS- ~~remaining~~ priority foundation violations occurring, for permit issuance.

~~8-303.18-303.2~~ ~~8-203.13~~ **Denial of Application for Permit, Notice**

If an application for a ~~health~~ permit to operate is denied, the Health Authority ~~shall~~must provide the applicant with a notice ~~which that~~ includes:

- (A) The specific reasons and ~~regulation~~regulatory citations for ~~the permit~~ denial of the health PERMIT.
- (B) The actions, ~~if any, that~~ the applicant must take to qualify for a ~~health PERMIT~~ permit, and ~~Advisement of~~
 - (A) ~~Reference to~~ the applicant's right of appeal ~~and the process and time frames for appeal as specified in~~
 - (C) provided in NAC 439.346.

8-304 Conditions of Retention

8-304.1 Responsibilities of the Health Authority

8-204.11 Responsibilities of the HEALTH AUTHORITY

The responsibilities of the HEALTH AUTHORITY include:

- (A) At the time a ~~health~~ permit is first issued, the Health Authority ~~shall~~must inform the permit holder where a copy of these regulations may be obtained, ~~and so~~ that the permit holder is ~~responsible for~~notified of the compliance ~~with these Regulations~~requirements and the conditions of retention, as specified under § 8-304.2, that are applicable to the permit.
- (B) Failure to provide the ~~above~~ information specified in ¶ (A) of this section does not ~~prevent~~preclude the Health Authority from taking authorized action, or seeking remedies, if the permit holder fails to comply with these regulations or an order, warning, or directive of the Health Authority.

8-304.2 8-204.12 Responsibilities of the Permit Holder

~~Upon acceptance of the health PERMIT issued by the HEALTH AUTHORITY, the PERMIT HOLDER, in order to retain the health PERMIT shall:~~

A food establishment must:

- (A) ~~Post the health PERMIT and most recent grade or pass card and health permit in a location in the FOOD ESTABLISHMENT that is clearly conspicuous to the consumer upon entering the food establishment.~~
 - (A) ~~Understand that Obscuring or unauthorized removal or obscuring of the grade or pass card by individuals, other than the HEALTH AUTHORITY, may result in suspension of the health PERMIT, administrative action including, but not limited to the assessment of applicable fees.~~
- ~~Ensure that all facilities which sell alcoholic BEVERAGES for consumption on PREMISES, shall post health warnings~~
- (B) Post a health warning for drinking during pregnancy as specified in NRS 446.842.
 - (C) Comply with the provisions of these regulations including the conditions of a granted variance, approved waiver, or required HACCP plan, ~~and APPROVED plans as specified in Chapter 4-101.11 and Chapter 4-101.14 of these Regulations.~~
 - (D) Immediately contact the Health Authority to report an illness of a food handler as specified in ~~Chapter~~ § 2-201.111 of these regulations.
 - (B) ~~Immediately discontinue operations and notify the Health Authority if when~~ an imminent health hazard ~~does or may exist~~ might exist as specified in ~~Section~~ § 8-304.11404.1 of this chapter.
 - (F) Allow representatives of the Health Authority access to the food establishment as specified in NRS 446.890, and § 8-402.1 of these regulations.
 - (G) Replace facilities and equipment, which are no longer serviceable, with facilities and equipment that comply with these regulations if when:

- (1) The Health Authority directs replacement because the existing facilities and equipment constitute a public health hazard, or ~~because they~~ the facilities and equipment no longer comply with the criteria, upon which the facilities and equipment were ~~accepted, approved,~~
- (2) The Health Authority directs the replacement of the facilities and equipment at a change of ~~ownership, permit holder, or~~
- (3) The facilities and ~~/or~~ equipment have exceeded their useful service life and should be replaced in the normal course of operation.
- (H) ~~(I)~~ Comply with the requirements of NRS 202.2483, the Nevada Clean Indoor Air Act, including posting required signage,
- (I) Comply with directives of the Health Authority, including, but not limited to, time frames for corrective actions specified in inspection reports, supervisory conferences, compliance schedules, notices, orders, warnings, and other directives issued by the Health Authority concerning the permit holder's food establishment or in response to community emergencies.
- (J) Comply with all applicable federal, state and local governmental requirements as laws related to the operation of a food establishment. The responsibility of upholding these requirements falls solely on the ~~PERMIT-HOLDER, permit holder~~ and failure to do so may result in ~~health~~ permit suspension or revocation.

Accept

- (K) Comply with notices issued and served by the Health Authority, according to law,
- ~~(K) Be subject to the administrative, civil, injunctive, and criminal remedies as specified in NRS 446.940-945, for failure to comply with these Regulations or with a directive of the HEALTH AUTHORITY, including but not limited to time frames for corrective actions specified in inspection reports, supervisory conferences, compliance schedules, notices, orders, warnings, and other directives.~~

~~8-204.13 PERMIT Modifications~~

~~Proposed modifications in the type of operations to be conducted by a FOOD ESTABLISHMENT, whether still at the health PERMIT application step or after a health PERMIT has been granted, shall not be allowed unless APPROVED by Plan Review. The modification process may include, but not be limited to, a construction application, complete with plans and information describing the proposed modifications in design, EQUIPMENT, and operations. Menu changes only, if they are shown to have no impact on EQUIPMENT, may not require a new Plan Review construction application.~~

~~8-204.14 PERMIT Transfer Prohibited~~

- ~~(L) Notify the Health Authority in writing no later than 30 calendar days after a business closure. Failure to do so will result in the permit holder being responsible for any fees incurred,~~
- ~~(M) Notify the Health Authority in writing no later than 30 calendar days after establishment updates such as changes to mailing address or business name, failure to do so will result in the permit holder being responsible for any fees incurred, and~~
- ~~(N) Maintain a valid health permit to operate by renewing the permit annually when applicable. Failure to pay the health permit fee within the established timeframes will result in late fees and permit suspension.~~

~~8-304.3 Permits Not Transferable~~

~~A health permit may not be transferred from one person to another person, from one food establishment to another, or from one ~~location~~ type of operation to another.~~

~~8-202 Enforcement~~

~~8-205.11 ACTIVE MANAGERIAL CONTROL~~

~~A PERMIT HOLDER shall ensure ACTIVE MANAGERIAL CONTROL of the facility unless approved by meeting the requirements of Chapter 2-102.11 (A), (B), or (C) of these Regulations.~~

~~(A) — Facilities with a history of multiple DOWNGRADES within a year may be required to provide a certified FOOD protection manager during all hours of operation.~~

~~Facilities with a certified FOOD protection manager, and a history of frequent DOWNGRADES and/or closures, may be referred to the HEARING OFFICER for possible suspension of PERMIT Health Authority.~~

~~§ 203 — Shared Facilities~~

~~§ 206.11 Violations~~

~~A violation of any provision of these Regulations, relating to facilities held in common or shared by more than one PERMIT HOLDER, shall be deemed a violation for each health PERMIT, unless separate distinct and designated areas exist.~~

~~§ 204 — Compliance Schedule~~

~~§ 207.11 — Violations~~

~~The HEALTH AUTHORITY shall document observed violations, require corrective action dates, and may issue a compliance schedule as follows:~~

- (A) ~~The elements of a compliance schedule may include, but are not limited to, necessary training, pest control, structural modifications, EQUIPMENT upgrades, and/or temperature logs, WARE WASHING machine SANITIZATION, and/or cleaning logs.~~
- (B) ~~Facilities placed on a compliance schedule by the HEALTH AUTHORITY may be closed if corrective action dates or elements of a compliance schedule are not met. If closed, facilities shall remain closed until all compliance issues are resolved, applicable fees are paid, and a reopening inspection shows that the establishment has met the compliance schedule and achieves a score of 10 DEMERITS or less of CRITICAL or MAJOR VIOLATIONS. Guidance documents are provided in Appendices G-1 and G-2.~~

~~8-205 EQUIPMENT Defects~~

~~8-208.11 EQUIPMENT Taken Out of Service~~

~~EQUIPMENT that constitutes a public HEALTH HAZARD shall be red tagged by the HEALTH AUTHORITY and required to be taken out of service. The EQUIPMENT shall not be placed back in service until APPROVED by the HEALTH AUTHORITY. If placed back in service without HEALTH AUTHORITY approval, the facility will be DOWNGRADED to the next lower grade and applicable fees assessed.~~

~~8-301 Inspection Interval~~

~~8-301.11~~

8-4	Inspection and Correction of Violations
Subpart	
8-401	Frequency
8-402	Competency and Access
8-403	Report of Findings
8-404	Imminent Health Hazard
8-405	Violation of Priority Items and Priority Foundation Items
8-406	Time Frame for Correction of Core Items
8-407	Unsafe Food—Examination and Condemnation of Food

~~8-401 Frequency~~

~~8-401.1 Establishing Inspection Interval~~

- (A) ~~The Health Authority shall may inspect each permitted food establishment at least once every year as required provided by NRS 446.885, or as often as necessary to ensure compliance with these regulations. Facilities DOWNGRADED to~~
- (B) ~~After receiving a "B" or "C" shall be reinspected downgrade, a food establishment must accept reinspection to ensure correction of violations, compliance with these regulations. The food establishment must pay applicable fees shall be paid within 10 no later than ten business days, after the reinspection to avoid permit suspension. Reinspection shall be conducted after may occur less than 15 business days, as determined by the inspector, or may be scheduled sooner after the inspection resulting in the downgrade at the request of the operator. If the operator permit holder and at the discretion of the Health Authority. If the PIC requests an inspection prior to 15 business days, applicable fees shall must be paid prior to the reinspection.~~

~~Inspection-~~

~~8-401.2 Performance and Risk-Based~~

~~Within the parameters specified in § 8-401.1, the Health Authority may conduct more frequent inspections of a food establishment based upon the Health Authority's assessment of a food establishment's history of compliance with this Regulation and the establishment's potential as a vector of foodborne illness by evaluating:~~

- (A) ~~Past performance, for nonconformance with these regulations or HACCP plan requirements that are priority or priority foundation items,~~
- (B) ~~Past performance, for numerous or repeat violations of these regulations or HACCP plan requirements that are core items,~~

Commented [CS57]: Comment: Change from calendar to business according to current regulations. Food Code 8-403.30 – issuing report and acknowledge recent has been taken out of the regulations. Please put back into the regulations.

Commented [CS58R57]: Added business days. Issuing a report is already required by state statute so it was removed.

- (C) Past complaints investigated and found to be valid.
- (D) The hazards associated with the foods that are prepared, stored, or served.
- (E) The type of operation including the methods and extent of food storage, preparation, and service.
- (F) The number of people served, and
- (G) Whether the population served is a highly susceptible population.

8-402.1 Allowed at Reasonable Times after Due Notice

A food establishment must allow the Health Authority to inspect the food establishment during normal business hours or at any other reasonable time. After the Health Authority presents official credentials, the PIC must allow the Health Authority to inspect the food establishment and must provide information and records for review as specified in these regulations and to which the Health Authority is entitled according to NRS 446.890. In the event of a disease outbreak or suspected disease outbreak, a food establishment must grant emergency access to the Health Authority upon request.

8-402.2 Refusal, Notification of Right to Access, and Final Request for Access

- (A) If a person denies the Health Authority full access to inspect a food establishment, or refuses to provide requested information or documents, the Health Authority must inform the person that:
 - (1) The permit holder is required to allow access to the Health Authority as specified under § 8-402.1 of these regulations, and
 - (2) Access is a condition of the acceptance and retention of a food establishment permit to operate.
- (B) If access continues to be denied, the Health Authority may:
 - (1) Contact law enforcement in accordance with NRS 446.940 to assist with entrance into the facility, or
 - (2) Immediately suspend all food establishment permits, assess any associated fees, and take any further administrative action up to and including permit revocation.

8-402.3 Intimidation of a Public Officer

A food establishment and its employees and agents must not directly or indirectly intimidate a public employee. Intimidation of a public officer is a serious violation of these regulations and is grounds for administrative action up to and including permit revocation and food handler safety training card revocation.

8-403 Report of Findings

8-403.1 ~~8-302.11~~ Documenting Documentation Information and Observations

~~The HEALTH AUTHORITY shall document~~

After inspecting a food establishment, the Health Authority must document its findings on an inspection report form, including:

- (A) Administrative information about the food establishment's legal identity, street and mailing addresses, type of establishment address, inspection date, and other information including but not limited to type of water supply and SEWAGE disposal, status of the health PERMIT, grade of the facility, and management certifications that may be required, and inspection result.

- (B) Specific factual observations of ~~violations, conditions~~ or ~~other~~ deviations from these regulations, ~~which that~~ require correction by the permit holder ~~include, but are not limited to, including:~~
- (1) Failure of the ~~PERSON-IN-CHARGE~~PIC to demonstrate ~~the~~ knowledge of ~~FOOD-BORNE~~foodborne illness prevention, application of HACCP principles, and the requirements ~~—specified— in Chapter 2-102.11~~ of these regulations. ~~as specified under § 2-102.1,~~
 - (2) Failure of food handlers ~~and, or~~ the ~~PERSON-IN-CHARGE~~PIC, to ~~demonstrate their knowledge of their responsibility to~~ report a ~~symptom of a~~ ~~FOOD-BORNE-ILLNESS~~ disease or medical condition as specified ~~in Chapter~~under § 1 2-201.11 of these Regulations. 1(B) and (D),
(1) ~~Non-conformance with CRITICAL OR MAJOR VIOLATIONS of these Regulations.~~
 - (3) Imminent health hazards, priority or priority foundation items, and core items of this regulation,
 - (3)(4) Failure of the appropriate food handlers to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the Health Authority ~~due to an APPROVED VARIANCE or WAIVER, as specified under § 8-103.3,~~
 - (4)(5) Failure of the ~~PERSON-IN-CHARGE~~PIC to provide records required by the Health Authority for determining conformance with a HACCP plan. ~~as specified under Subparagraph 8-201.4(E)(7),~~
 - (5)(6) Non-conformance with critical limits of a HACCP plan, and
~~Non-conformance with non-CRITICAL VIOLATIONS of~~
- (C) Corrective actions for deviations from these regulations.

8-302.12 — Specifying Time Frames for Corrections

The HEALTH AUTHORITY shall specify, on the inspection report form, the time frame for correction of the violations as follows:

~~(A) To immediately cease and desist an operation if an IMMIDENT HEALTH HAZARD exists.~~

~~(B) After DEMERITS are recorded a PERMIT HOLDER may at the time of inspection, correct a CRITICAL or MAJOR VIOLATION of these Regulations.~~

8-403.2 Food Establishment Grades

(A) Except for temporary food establishments, every food establishment must post its health permit and the current grade or pass card for each permitted area, received at the time of the most recent inspection, in an area that is conspicuous to the consumer upon entering the food establishment.

(B) Food establishment grades must be determined as follows:

(1) A Grade; a demerit score of 0 to 10.

(2) B Grade; a demerit score of 11 to 20, and

(3) C Grade; a demerit score of 21 to 40.

(C) When a food establishment receives more than 40 demerits in an inspection, the permit must be suspended immediately. The food establishment must remain closed until the permit holder has corrected the priority and priority foundation items, paid all applicable and outstanding fees, and an inspection is conducted that results in a score of ten or fewer demerits with no repeat violations of priority or priority foundation items.

(D) When a food establishment with a current B Grade receives 11 or more demerits or repeat violations of priority or priority foundation items on its reinspection, the food establishment will be placed on a C Grade even if it does not receive 21 or more demerits. A subsequent reinspection must be conducted as specified in ¶ 8-403.2(D) and the food establishment must pay all applicable and outstanding fees.

(E) When a food establishment with a current C Grade receives 11 or more demerits or repeat violations of priority or priority foundation items on its reinspection, the food establishment's permit must be suspended even if it receives fewer than 41 demerits. The food establishment must remain closed until the permit holder has corrected the priority and priority foundation items, paid applicable and outstanding fees, and an inspection is conducted resulting in a score of 10 or fewer demerits with no repeat violations of priority or priority foundation items.

(F) Notwithstanding the grade criteria of ¶ 8-403.2(B), whenever a repeat violation of a priority item is documented in the next routine inspection, the food establishment must be downgraded to the next lower grade.

(G) Notwithstanding the grade criteria of ¶ 8-403.2(B), whenever the Health Authority orders a food establishment to take a piece of equipment out of service because it constitutes a public health hazard or is not approved, the equipment must remain out of service until approved. If a food establishment places the equipment back into service without approval, the food establishment must be downgraded to the next lower grade.

(H) Food establishments such as, annual itinerants, farmers markets, and those undergoing a Change of Permit Holder will be inspected on a pass-fail criteria which is determined as follows:

(1) Pass; a demerit score of 0 – 15,

(2) Fail; a demerit score of 16 or more.

(I) Notwithstanding the Pass/Fail criteria of ¶ 8-403.2(H), whenever a repeat violation of a priority item is documented in the next routine inspection, the permit must be immediately suspended. The food establishment must remain closed until the permit holder has corrected the priority and priority foundation items, paid any applicable fees, and an inspection is conducted that results in a score of 15 or fewer demerits with no repeat violation of a priority or priority foundation item.

8-403.3 Refusal to Sign Acknowledgment.

(A) When an individual declines to sign an acknowledgment of receipt of inspection findings, the Health Authority must inform the individual that:

- (1) Signing is for the sole purpose of acknowledging receipt of a copy of the report and does not signify agreement with findings,
- (2) Refusal to sign an acknowledgment of receipt will not affect the permit holder's obligation to correct the priority and priority foundation items noted in the inspection report within the time frames specified, and
- (3) Refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the Health Authority's historical record for the food establishment, and

(B) After informing the individual as specified in ¶ (A), the Health Authority must make a final request that the PIC sign an acknowledgment receipt of inspectional findings.

8-404 Imminent Health Hazard

8-404.1 Ceasing Operations and Reporting

(A) Except as specified in ¶ (B) and (C) of this section, a permit holder must immediately discontinue operations and notify the Health Authority if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, pest infestation, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.

(B) A permit holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.

(C) Considering the nature of the potential hazard of the CRITICAL or MAJOR VIOLATION involved, and the complexity of the corrective action needed, the Health Authority may agree to continuing operations in the event of an extended interruption of electrical or water service if:

- (1) A written emergency operating plan has been approved,
- (2) Immediate corrective action is taken to eliminate, prevent, or control any food safety risk and imminent health hazard associated with the electrical or water service interruption, and
- (3) The Health Authority is informed upon implementation of the written emergency operating plan.

8-404.2 Resuming Operations

(A) If a food establishment voluntarily ceases operation due to an imminent health hazard, the permit holder or PIC must notify the Health Authority when all items on the Checklist for Reopening After an Imminent Health Hazard, Appendix B are in compliance prior to resuming operations.

Commented [CS59]: Comment:
We ask for current language for self-closures.

Commented [CS60R59]: No longer requires approval to reopen after self-closure

~~(B) If food establishment operations are discontinued by the Health Authority due to an imminent health hazard, as specified in ¶ 8-404.1 of this Chapter, the permit holder or PIC must pay applicable fees and when all items on the Checklist for Reopening After an Imminent Health Hazard, Appendix B, are in compliance and verified by the Health Authority, may be granted written permission to resume operation.~~

~~(C) If food establishments operations are discontinued for excessive priority and priority foundation items as specified in § 8-403.2(B) of this Chapter, the permit holder of PIC must pay applicable fees and pass a reopening inspection with 10 or fewer demerits, and no repeat violations of priority or priority foundation items.~~

~~(D) A food establishment with a history of non-compliance, including repeat violations of priority or priority foundation items, may be required to enter an administrative process such that required training, compliance plans, or other stipulations are placed on the permit to operate.~~

~~8-405 Priority Items and Priority Foundation Items~~

~~8-405.1 Timely Correction~~

~~(A) Except as specified in ¶ (B) of this section, a permit holder must at the time of inspection correct a violation of a priority item or priority foundation item of these regulations and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.~~

~~(A)(B) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Health Authority may agree to or specify a longer time frame, not to exceed 15 business days after the inspection, for the PERMIT HOLDER to correct CRITICAL or MAJOR VIOLATIONS. Depending on the violation, the HEALTH AUTHORITY may impose additional RESTRICTIONS on the facility for the allotted time frame.~~

~~The PERMIT HOLDER shall~~

~~(1) For priority items, correction is required within 72 hours after the inspection, or~~

~~(2) For priority foundation items and HACCP plan deviations, correction is required within 10 calendar days after the inspection.~~

~~8-406 Time Frame for Correction of Core Items~~

~~(A) Except as specified in ¶ (B), the permit holder must correct non-CRITICAL VIOLATIONS core items by the next inspection or within a date and time specified under the by the Health Authority but no later than 90 calendar days after the inspection.~~

~~(C) The Health Authority may approve a compliance schedule.~~

~~8-302.13 Issuing Report and Obtaining Acknowledgment of Receipt~~

~~At the conclusion of the inspection:~~

~~(A) The HEALTH AUTHORITY shall provide the original of the completed inspection report, and the notice to correct violations, to the PERMIT HOLDER or to the PERSON IN CHARGE.~~

~~(B) Request a signed acknowledgement of receipt on the voucher.~~

~~(C) Post the appropriate grade, based upon the inspection findings and the condition of the facility, at that extends beyond the time of inspection.~~

~~(D) State that an opportunity for appeal from any notice or inspection findings will be provided limits specified under ¶ (A) if a written request for a hearing is filed with the HEALTH AUTHORITY within the period established at the time of notice of correction.~~

~~8-302.14 Refusal to Sign Acknowledgment~~

~~The HEALTH AUTHORITY shall:~~

~~(A) Inform a PERSON who declines to sign an acknowledgment of receipt of inspection findings as specified in Paragraph 8-302.13 of this Chapter that:~~

~~(1) An acknowledgment of receipt does not constitute an agreement with findings.~~

~~(2) Refusal to sign an acknowledgment of receipt will not nullify the PERMIT HOLDER's obligation to correct the violations noted in the inspection report within the time frames specified.~~

~~(3) A refusal to sign an acknowledgment of receipt shall be documented on the voucher and placed in the HEALTH AUTHORITY's historical file for the FOOD ESTABLISHMENT.~~

~~(B) Make a final request that the PERSON IN CHARGE sign an acknowledgment receipt of inspection findings.~~

~~(C) Provide the original of the unsigned inspection voucher to the PERSON IN CHARGE.~~

~~8-302.15 Public Information~~

~~The HEALTH AUTHORITY shall treat the inspection report as a public document and shall make it available for DISCLOSURE to a PERSON who requests it as provided in State statute or regulation.~~

~~8-302.16 Verification and Documentation of Correction of CRITICAL VIOLATIONS~~

~~The HEALTH AUTHORITY shall:~~

~~(A) After observing at the time of inspection a correction of a CRITICAL or MAJOR VIOLATION or HACCP PLAN deviation, enter the violation and information about the corrective action on the inspection report.~~

~~(B) As specified in Paragraph 8-302.11 of this Chapter, after receiving notification that the PERMIT HOLDER has corrected a CRITICAL or MAJOR VIOLATION, or corrected a deviation from their APPROVED HACCP PLAN, the HEALTH AUTHORITY shall verify the correction of the violation, document the information on an inspection report, and enter the report in the HEALTH AUTHORITY's records.~~

~~8-302 FOOD ESTABLISHMENT Grades~~

~~8-303.11 Grades~~

~~Except for those PERMIT categories that are on a Pass/Fail, or a non-DEMERIT PERMIT APPROVED/PERMIT not APPROVED, system every FOOD ESTABLISHMENT in the HEALTH AUTHORITY's jurisdiction shall post the health PERMIT and grade card, stating the grade received at the time of the most recent inspection, in an area that is clearly conspicuous to the CONSUMER upon entering the FOOD ESTABLISHMENT.~~

~~(A) FOOD ESTABLISHMENT grades shall be determined as follows:~~

~~(1) "A" Grade; an ESTABLISHMENT having a DEMERIT score of not more than 10.~~

~~(2) "B" Grade; an ESTABLISHMENT having a DEMERIT score of more than 10 but not more than 20.~~

~~(3) "C" Grade; an ESTABLISHMENT having a DEMERIT score of more than 20 but not more than 40.~~

~~(B) If the score of the establishment schedule of compliance is more than 40 DEMERITS, the health PERMIT shall be suspended immediately. The establishment shall remain closed until the operator has corrected the violations, paid any applicable fees, and an inspection is conducted that results in a score of 10 or less DEMERITS with no identical CRITICAL or MAJOR VIOLATION remaining.~~

~~(C) If upon reinspection of a "B" Grade the establishment is unable to achieve a score of 10 or less DEMERITS, with no identical repeat CRITICAL or MAJOR VIOLATIONS remaining, the establishment will be placed on a "C" Grade. A subsequent reinspection will be conducted as specified in Paragraph 8-301.11 (B) of this Chapter.~~

~~(D) If upon reinspection of a "C" Grade the establishment is unable to achieve a DEMERIT score of 10 or less DEMERITS, with no identical repeat CRITICAL or MAJOR VIOLATION remaining, the establishment will be closed. The establishment shall remain closed until the operator has corrected the violations, paid applicable fees, and an inspection is conducted resulting in a score of 10 or less DEMERITS with no identical repeat CRITICAL or MAJOR VIOLATION remaining.~~

~~(E) Notwithstanding the grade criteria of Paragraph 8-303.11 (A) of this Chapter, whenever an identical consecutive CRITICAL or MAJOR VIOLATION is documented, the establishment shall be DOWNGRADED to the next lower grade with a reinspection required and associated fee paid as specified in Paragraph 8-301.11 (B) of this Chapter.~~

~~8-303 IMMEDIATE HEALTH HAZARD~~

~~8-304.11 Ceasing Operations and Reporting~~

~~(A) Except as specified in Paragraph (B) of this Section, a PERMIT HOLDER shall immediately discontinue operations and notify the HEALTH AUTHORITY if an IMMEDIATE HEALTH HAZARD may exist because of an emergency, including but not limited to fire, flood, water service outage, interruption of power service for longer than two hours, lack of adequate refrigeration, SEWAGE backup, misuse of POISONOUS OR TOXIC MATERIALS, onset of a suspect FOOD BORNE ILLNESS outbreak, gross unsanitary occurrences or conditions, or other circumstance that may endanger public health.~~

~~(B) A PERMIT HOLDER need not discontinue operations in an area of an establishment that is unaffected by the IMMEDIATE HEALTH HAZARD.~~

~~8-304.12 Resuming Operations~~

If operations are discontinued as specified in Paragraph 8-304.11 of this Chapter, or as specified in *NAC 446.100*, the PERMIT HOLDER shall obtain approval from the HEALTH AUTHORITY before resuming operations. Prior to resuming operations, the operator shall ensure that the IMMIDENT HEALTH HAZARD has been corrected and that all items listed in the "Checklist for Re-Opening Inspection after an IMMIDENT HEALTH HAZARD," are in service. A guidance document is provided in Appendix H.

~~(A)~~(B) Facilities documented submitted by the HEALTH AUTHORITY, to be operating under conditions of an IMMIDENT HEALTH HAZARD and that were issued an immediate CEASE AND DESIST ORDER, shall pay applicable fees and pass a reopening inspection, with 10 or less DEMERITS, and no identical repeat CRITICAL or MAJOR VIOLATIONS remaining permit holder.

~~(A)~~ Facilities that voluntarily ceased operation shall notify the HEALTH AUTHORITY when all items on the "Checklist for Re-Opening Inspection after an IMMIDENT HEALTH HAZARD," are in service and, as determined by the HEALTH AUTHORITY, may reopen. Depending on the IMMIDENT HEALTH HAZARD the HEALTH AUTHORITY shall determine if a re-opening inspection is required.

~~(B)~~ Operators of facilities closed for excessive violations as specified in Section 8-303.11(B) of this Chapter, or with a history of non-compliance, including repeat CRITICAL or MAJOR VIOLATIONS, may be required to attend a supervisory conference prior to an inspection to reopen the facility taking place. Applicable fees shall be paid prior to a reopening inspection.

~~8-304~~ — Unsafe Food

~~8-407~~ **8-305.11 — Examination and Condemnation of Food**

~~(A)~~ As specified in *NRS 585.360* whenever the Commissioner or any of his authorized agents shall find in any room, building or other structure, or VEHICLE of transportation, any MEAT, seafood, POULTRY, vegetable, fruit or other perishable articles which are unsound, or contain any filthy, decomposed or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the Commissioner or his authorized agents shall forthwith condemn or destroy the same, or in any other manner render the same unsalable as human FOOD.

~~(B)~~ As specified in *NRS 446.920*:

(1) FOOD may be examined or sampled by the HEALTH AUTHORITY as often as may be necessary to determine freedom from adulteration or misbranding. The HEALTH AUTHORITY may, upon written notice to the owner or PERSON IN CHARGE, place a hold order on any FOOD which is determined, or has probable cause to believe, to be unwholesome or otherwise ADULTERATED or MISBRANDED.

- (2) ~~Under a hold order, FOOD shall be allowed 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 approval of the HEALTH AUTHORITY, except by order of a court of competent jurisdiction.~~
- (3) ~~The owner or PERSON IN CHARGE may make a written request for a hearing as specified in. On the basis of evidence produced at such hearing, or on the basis of an examination, if a written request for a hearing is not received within 10 business days, the HEALTH AUTHORITY may vacate the hold order, issue a written order, or direct the owner or PERSON IN CHARGE of the FOOD which was placed under the hold order, to denature or destroy such FOOD or to bring it into compliance with the provisions of 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.~~
- (4) ~~When not on a hold order by the HEALTH AUTHORITY operators may voluntarily dispose of FOOD believed to be unwholesome or otherwise ADULTERATED or MISBRANDED.~~

~~§ 305 PERMIT Suspension and Reinstatement~~

~~§ 306.11 Suspension or Revocation of PERMIT, Reinstatement of Suspended PERMIT, Hearings~~

- ~~PERMITS issued under the provisions of these Regulations may be suspended as specified in NRS 446.880.~~
- (A) ~~Health PERMITS issued under the provisions of these Regulations may be suspended temporarily by the HEALTH AUTHORITY for failure of the PERMIT HOLDER to comply with the requirements of these Regulations.~~
 - (B) ~~Whenever a PERMIT HOLDER or operator has failed to comply with any notice issued under the provisions of these Regulations, the PERMIT HOLDER or operator shall be notified in writing that the PERMIT is, upon service of the notice, immediately suspended or that the establishment is DOWNGRADED. The notice shall contain a statement informing the PERMIT HOLDER or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the HEALTH AUTHORITY as soon as possible.~~
 - (C) ~~Whenever the HEALTH AUTHORITY finds an unsanitary or other condition in the operation of a FOOD ESTABLISHMENT which, in its 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.~~
 - (D) ~~Any PERSON whose PERMIT has been suspended may, at any time, make application for reinspection for reinstatement of the PERMIT. Within 10 business days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the PERMIT has been corrected, the HEALTH AUTHORITY shall make a reinspection. If the applicant is complying with the requirements of these Regulations, the PERMIT shall be reinstated.~~
 - (E) ~~For serious or repeated violations of any of the requirements of these Regulations, or for interference with the HEALTH AUTHORITY in the performance of their duties, the PERMIT may be permanently revoked after an opportunity for a hearing has been provided by the HEALTH AUTHORITY. Before taking such an action the HEALTH AUTHORITY shall notify the PERMIT HOLDER, in writing, stating the reasons for which the PERMIT is subject to revocation and advising the PERMIT HOLDER of the requirements for filing a request for a hearing. A PERMIT may be suspended for cause pending its revocation or a hearing relative thereto.~~
 - (F) ~~Unless a request for a hearing is filed with the HEALTH AUTHORITY by the PERMIT HOLDER within five days, the HEALTH AUTHORITY may permanently revoke a PERMIT after five days following service of the notice.~~
 - (G) ~~The hearings provided for in this section shall be conducted at a time and place designated by the HEALTH AUTHORITY. 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 AUTHORITY.~~

8-306.12 Post Revocation Action

Once the health PERMIT has been revoked, as specified in Section 8-306.11 of this Chapter, the PERMIT operator is to discontinue all FOOD activity associated with the FOOD ESTABLISHMENT in question. Failure to do so may result in:

- (A) ~~The HEALTH AUTHORITY requesting an injunction from the District Court of Jurisdiction, against continued operation by the previous PERMIT HOLDER.~~
- (B) ~~The HEALTH AUTHORITY referring the non-compliance to the District Attorney of Jurisdiction for prosecution.~~
- (C) ~~Once the timeframe for appeal has transpired any FOOD remaining at the location in question may be confiscated and destroyed by the HEALTH AUTHORITY as specified in Section 8-305.11 of this Chapter.~~

~~8-401-~~

~~A food establishment must comply with any order issued pursuant to NRS 585.360 and NRS 446.920.~~

8-5	Prevention of Foodborne Disease Transmission by Employees
Subpart	
8-501	Investigation and Control

8-501 Investigation and Control

8-501.1 ~~8-401.11~~ Obtaining Information: Personal History of Illness, Medical Examination, and Specimen Analysis

~~The HEALTH AUTHORITY shall act, as specified in NAC 441A, when it~~

- (A) ~~When the Health Authority has reasonable cause to believe that a food handler mayhas possibly transmitted disease, might be infected with an illnessa disease in a communicable form that is transmissible through food, maymight be a carrier of infectious agents that cause a disease that is transmissible through food, or is affected with a boil, an infected wound, or acute respiratory infection. ~~Actions may include those specified in NAC 441A.530, Foodborne Disease Outbreak, and as required for the particular disease as specified in NAC 441A., the Health Authority may:~~~~

~~8-401.12-~~

- (1) ~~Secure a confidential medical history of the food handler suspected of transmitting disease or make other investigations as deemed appropriate, and~~
 - (2) ~~Require appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected food handler.~~
- (B) ~~Any confidential medical history obtained pursuant to ¶ (A) must be kept confidential and not released, except as required by law or by order of a court having jurisdiction.~~

8-501.2 Restriction or Exclusion of Food Handler, or Summary Suspension of Permit

- (A) Based on the findings of an investigation related to a food handler who is suspected of being infected ~~as specified in Section 8-401.11 of this Chapter~~or diseased, the Health Authority may issue an order to the suspected food handler or permit holder instituting one or more of the following control measures:
- (1) Restricting the food handler.;
 - (2) Excluding the food handler.;
 - (3) Closing the food establishment by ~~summarily~~suspending a permit to operate in accordance with NRS 446.935~~(2b)~~;

~~8-401.13~~

~~(B) Any such order must not be released to the public, except as required by law or by order of a court having jurisdiction, or after redacting out the name and any identifying information for the food handler.~~

8-501.3 Restriction or Exclusion Order, Warning or Hearing Not Required, Information Required in Order

Based on the findings of the investigation as specified in ~~Paragraph 8-401.11 of this Chapter~~ 8-501.1, and to control disease transmission, the Health Authority may issue an order of restriction or exclusion to a suspected food handler or the permit holder without prior warning, notice of a hearing, ~~or a hearing.~~ Any such order must:

~~8-401.14 Release of~~

- ~~(A) State the reasons for the restriction or exclusion that is ordered.~~
- ~~(B) State the evidence that the food handler or the permit holder must provide in order to demonstrate that the reasons for the restriction or exclusion are resolved.~~
- ~~(C) State that the suspected food handler or the permit holder may request a hearing by submitting a timely request as provided in law, and~~
- ~~(D) Provide the name and address of the Health Authority representative to whom a request for a hearing may be made.~~

8-501.4 Removal of Exclusions and Restrictions

~~The Health Authority must release a food handler from restriction or exclusion
The FOOD HANDLER shall remain RESTRICTED/EXCLUDED until released to return to work by the HEALTH AUTHORITY in accordance with NAC 441A.~~

~~8-501 Service of Notice~~

~~8-501.11 Delivery of Notice~~

~~The HEALTH AUTHORITY shall properly serve notice by:~~

- ~~(A) Delivering the notice to the PERMIT HOLDER of the FOOD ESTABLISHMENT.~~
- ~~(B) Delivering the notice to the PERSON IN CHARGE of the FOOD ESTABLISHMENT.~~
- ~~(C) Sending the notice 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.~~

~~8-502 Severability Clause~~

~~8-502.11 Severability Clause~~

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

CHAPTER 9

Warehouse Regulations

Parts

- 9-1 — Definitions
- 9-2 — Plan Review
- 9-3 — Operations
- 9-4 — Record Keeping
- 9-5 — Personnel

9-101 — Applicability and Listing of Terms

9-101.11 — Interpretation and Application of Terms

The following definitions shall apply in the interpretation and application of this Chapter.

9-102 — Definitions

DISTRESSED FOOD means the quality of the FOOD product may have been reduced without compromising the safety of the FOOD.

DOCK BOOT SEALS means the apparatus mounted around the receiving doors of the facility that eliminates air gaps between the truck NRS 446.935 and the receiving dock.

FLIPPER means a can with a bulged or swollen end which when depressed will force the opposite end of the can to bulge or swell.

FIRST IN FIRST OUT (FIFO) means a method of FOOD stock rotation that calls for use of the oldest FOOD products first according to packing date.

LEAKER means any container that shows evidence of leakage.

RECONDITIONING means any sanitary process or procedure by which distressed merchandise can be made suitable for consumption or use by the public.

SALVAGEABLE FOOD MERCHANDISE means any damaged or DISTRESSED FOOD item or product from a manufacturer closeout, or distressed merchandise which can be reconditioned, provided it is not ADULTERATED, contaminated, or MISBRANDED.

SPRINGER means a can with a bulged or swollen end which after depression returns to its bulged or swollen condition.

SWELLER means a can that exhibits a bulged end.

WAREHOUSE means any place, building, structure, room or portions thereof where bulk quantities of PACKAGED FOOD are stored. WAREHOUSE PERMITS may be required in other PERMITTED facilities where bulk quantities of PACKAGED FOOD are stored in areas, not contiguous with and part of another health PERMIT, which is billed by square footage, including but not limited to casinos, retail grocery sales and/or processing plants, and stand alone wholesale refrigerated or dry storage facilities.

9-201 — WAREHOUSES

9-201.11 — Facility Plans

An applicant for a PERMIT to operate a WAREHOUSE facility shall submit to the HEALTH AUTHORITY properly prepared plans and specifications for review and approval, as specified in Chapter 4 of these Regulations.

9-202 General WAREHOUSES

9-202.11 Requirements

WAREHOUSES used for storage of PRE PACKAGED, non-PHF (TCS) or canned product in original boxes or on pallets, with minimum breakdown shall have:

- (A) ~~Walls that are SMOOTH and in good repair.~~
- (B) ~~Floors that are SMOOTH, non-absorbent, cleanable, durable, and maintained in good repair.~~
- (C) ~~Floor and wall junctures which are coved and closed to no larger than 1/32". All base-coving shall be made with the following materials:
 - (1) ~~Epoxy grout or concrete curbs with a 45° angle at the top.~~
 - (2) ~~Stainless steel.~~
 - (3) ~~Rubber/vinyl.~~~~
- (D) ~~20 foot candles of artificial light at 30" above the floor.~~
- (E) ~~Lights over open FOOD shall be shielded. Light fixtures, within reach of pallet moving EQUIPMENT and cleaning EQUIPMENT, shall be protected from accidental breakage by wire cages, metal, mesh, or equivalent.~~
- (F) ~~Ceilings with no exposed insulation, with use of scrim sheeting as a minimum.~~
- (G) ~~Overhead SEWAGE lines troughed with drainage to an APPROVED sanitary sewer.~~
- (H) ~~Air curtain(s), DOCK BOOT SEALS, doors with weather stripping, or other APPROVED method for control of dust, rodents, insects, and birds at receiving doors and at all other openings into WAREHOUSE areas.~~
- (I) ~~A restroom with a toilet and HAND WASHING SINK inside the facility serviced with hot and cold water, APPROVED soap and disposable towels, adequate ventilation, and a self-closing door. Restroom walls shall have a 4' wainscoting of SEALED, impervious material, a SEALED base-cove, and SEALED impervious material.~~
- (J) ~~WAREHOUSE facilities, built or substantially remodeled after the adoption of these Regulations, shall have a mop-sink or curbed floor unit serviced with hot and cold running water. Existing WAREHOUSE facilities, with only a hose bib, shall provide for filling a mop bucket and for disposing of mop water into a sanitary sewer. Hoses attached to a water source shall have as a minimum an atmospheric vacuum breaker.~~
- (K) ~~Except as specified in Section 9-202.12 of this Chapter, shelving or dunnage racks, where provided, shall be NSF/ANSI or equivalent with a clearance from the floor as follows:
 - (1) ~~6" minimum for up to 36" shelving depth, or~~
 - (2) ~~12" minimum for shelving >36" depth.~~~~
- (L) ~~Gondolas and removable kick-plate type shelving are acceptable only in retail grocery areas.~~
- (M) ~~To facilitate rodent control, general cleaning, and inspection access, clear zones shall be maintained between walls and pallets in WAREHOUSE storage areas and shall be:
 - (1) ~~12" minimum if pallets are removed weekly.~~
 - (2) ~~18" minimum if pallets remain in place for more than a week. Facilities with an active infestation shall maintain 18" minimum clear zone.~~~~
- (N) ~~WAREHOUSES shall be ventilated such that ambient room temperatures are maintained between 65°F±2° and 90°F±2°.~~

9-202.12 Shelving

- (A) ~~Metal frame pallet rack systems utilizing wooden planks are acceptable if maintained clean and in good repair.~~
- (B) ~~UnSEALED wooden shelving in WAREHOUSE facilities shall be replaced when determined to be no longer SMOOTH and EASILY CLEANABLE.~~
- (C) ~~Acceptable shelving materials/coatings shall be:
 - (1) ~~Metal.~~
 - (2) ~~Vinyl coated or CORROSION RESISTANT MATERIAL.~~
 - (3) ~~Heavy duty plastic, if cleanable.~~
 - (4) ~~Wood if maintained SMOOTH and EASILY CLEANABLE.~~~~
- (D) ~~WAREHOUSES with portable shelving shall have a designated cleaning area that:
 - (1) ~~Has a SMOOTH cleanable floor sloped to a sewer drain.~~
 - (2) ~~Is properly contained.~~
 - (3) ~~Is sufficient in size to accommodate the largest piece of EQUIPMENT to be cleaned~~~~

9-203 — Refrigerated WAREHOUSES

9-203.11 — Additional Requirements

In addition to the requirements in Sections 9-201 and 9-202, all refrigeration/freezer units shall:

- ~~(A) — Meet applicable sections of NSF/ANSI Standard 7, Commercial Refrigerators and Freezers.~~
- ~~(B) — In cold storage units a thermometer or temperature gauge, accurate to $\pm 2^{\circ}\text{F}$, shall be conspicuously placed in the warmest area.~~
- ~~(C) — Have a minimum 20-foot candles of light as measured 30" off the floor.~~
- ~~(D) — Have condensate lines properly drained to a floor sink or other method as APPROVED by the HEALTH AUTHORITY.~~
- ~~(E) — Have pallets made of plastic or composite materials. Wooden pallets are prohibited for long term storage in refrigerated units.~~

9-204 — Live Molluscan and Crustacean Storage

204.11 Additional Requirements

In addition to the requirements in Paragraphs 9-201, 9-202 and 9-203 of this Chapter, the following shall be required for live MOLLUSCAN SHELLSTOCK and crustacean storage when MOLLUSCAN SHELLSTOCK and crustacean are processed within the facility:

- ~~(A) — A three compartment sink and ADDITIONAL HAND WASHING SINKS in facilities storing live animal FOOD product, including but not limited to SHELLSTOCK, lobsters, or frogs which requires stock rotation and handling.~~
- ~~(B) — 50 foot candles of artificial light shall be provided in WARE WASHING areas.~~
- ~~(C) — Interior finishes shall meet the following minimum requirements:
 - ~~(1) — Wet areas shall have floor drains to sewer.~~
 - ~~(2) — Walls in wet areas shall have FRP panels to at least an 8' minimum height with SEALED base cove.~~~~

9-204.12 Holding Tanks and Related EQUIPMENT:

- ~~(A) — Holding tanks and stands shall be made of impervious, non-toxic, non-corrosive materials, and be constructed to allow regular cleaning and sanitizing. APPROVED materials include tempered glass, acrylic, polyester or epoxy gel coated fiber glass, or other material APPROVED by the HEALTH AUTHORITY.~~
- ~~(B) — Each wet storage system shall have its own dedicated tank or aquarium, filter, pump, chiller, UV disinfection unit, and connecting piping.~~
- ~~(C) — Work tables shall meet the material and construction requirements of NSF/ANSI, Standard 2.~~
- ~~(D) — All plumbing for recirculation and filtration piping and EQUIPMENT shall meet the standards for contact with potable water and shall be certified to meet applicable sections of NSF/ANSI Standards 14, 42, 53, 60 and 61, and shall be compatible for use in salt water applications. All pumping and filtration EQUIPMENT shall be certified to meet NSF/ANSI Standard 50.~~
- ~~(E) — All components of a wet storage system shall be color coded or numbered, and have arrows to indicate direction of water flow.~~
- ~~(F) — Filtration systems shall be designed for a minimum water turn-over rate of six hours and shall be fitted with flow meters to monitor the turn-over rates. Filtration and pumping systems shall be submitted to Plan Review for approval. The design shall ensure adequate oxygenation of the water.~~
- ~~(G) — Ultra-violet disinfection systems shall:
 - ~~(1) — Be provided and sized for flow rate and be compatible with the pump.~~
 - ~~(2) — Be capable of producing 15910 Microwatt seconds/cm² minimum killing dose.~~
 - ~~(3) — Have an indicator light for monitoring continuous operation while SHELLSTOCK, lobsters and/or crustacean are in the wet storage system.~~~~
- ~~(H) — A flow meter shall be installed between the filter and the UV system.~~
- ~~(I) — Pumps shall meet UL Standard 1081.~~
- ~~(J) — If chiller systems are provided they shall be designed for use with potable water systems and be resistant to the corrosive effects of salt water. Chiller systems shall be installed before the disinfection unit and shall be capable of maintaining water at $45^{\circ}\text{F} \pm 2^{\circ}$ or below.~~
- ~~(K) — The tank shall have an indicating thermometer accurate to $\pm 2^{\circ}\text{F}$.~~
- ~~(L) — SHELLSTOCK, in spray type re-circulating wet storage systems, shall be supplied with water that is sprayed in a fan shape and stored in APPROVED trays at a minimum of 3" off the bottom of the tank to prevent submersion of SHELLSTOCK.~~

~~(M) Adequate drainage to sewer shall be provided to accommodate backwashing of filter systems and tank drainage. Drainage to sewer shall be indirect to a floor sink or trough drain. Floor sinks shall be provided~~

with an appropriately sized mesh insert to prevent scales from clogging the drains.

- (N) Potable water systems shall be protected from re-circulated water systems using reduced pressure zone backflow prevention assemblies or air gaps. Hose bibs, and other connections to the potable water supply, shall be adequately protected using atmospheric vacuum breakers or pressure vacuum breakers.
- (O) Operational plans or HACCP PLANS shall be provided detailing the cleaning, sanitizing, and water testing schedules.
- (P) The system shall be capable of disinfecting storage water to a non-detectable coliform bacteria level (<2MPN/100ml), using the *APHA Recommended Procedures for the Examination of Seawater and SHELLSTOCK*.
- (Q) A validation study of the systems' operation shall be performed prior to approval by the HEALTH AUTHORITY.

9-205 SALVAGEABLE MERCHANDISE WAREHOUSES

9-205.11 Required Areas and EQUIPMENT

A salvage processing facility that receives DISTRESSED FOOD products shall have clearly distinct and separate areas to perform receiving, sorting, sanitizing, re-labeling, packaging, storing and discarding.

- (A) Three compartment sinks and additional HAND WASHING SINKS shall be required in all sanitizing areas.
- (B) 50 foot candles of artificial lighting shall be provided in all sanitizing areas.

9-206 VENDING MACHINES and WAREHOUSES

9-206.11 Applicable Requirements

The sale of POTENTIALLY HAZARDOUS FOOD (TCS) through a VENDING MACHINE, shall comply with the provisions of NRS 446, and all the requirements of these Regulations. VENDING MACHINE WAREHOUSES shall comply with the applicable construction requirements of this Chapter.

9-206.12 VENDING MACHINE FOOD Processing Operations

VENDING MACHINE WAREHOUSES which engage in any type of FOOD processing, shall maintain a PERMIT issued by the HEALTH AUTHORITY and adhere to applicable construction requirements of these Regulations.

9-206.13 Construction of Machine

Individual VENDING MACHINES shall be constructed as specified in NAC 446.870 through NAC 446.910.

- (A) All VENDING MACHINE units used for the display or sale of POTENTIALLY HAZARDOUS FOOD shall be constructed and certified according to NSF/ANSI or NAMA, and may not be modified.
- (B) VENDING MACHINES dispensing POTENTIALLY HAZARDOUS FOOD shall have automatic controls which, in the event of a power failure, mechanical failure, or other condition resulting in unsafe temperatures, prevent it from dispensing POTENTIALLY HAZARDOUS FOOD (TCS) until it has been serviced and reset by the operator. The temperature specified for shut-off activation may deviate from the temperature and for a time immediately after the machine is filled, serviced, or restocked as follows if:
 - (1) The ambient air temperature of the cold holding VENDING MACHINE rises above 41°F±2° for not more than 30 minutes.
 - (2) The ambient air temperature of the hot holding VENDING MACHINE falls below 135°F±2° for not more than 120 minutes.
- (C) VENDING MACHINES shall have a thermometer that is accurate to ±2°F, located in the warmest part of cold FOOD machines, and in the coolest part of hot FOOD machines. The thermometer shall be easily readable from the outside of the unit.
- (D) The company name and telephone number of the operator of the VENDING MACHINE, the health PERMIT number, and the vending unit number shall be prominently displayed on the VENDING MACHINE.

Operations

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All WAREHOUSE facilities operating within Clark County, Nevada, that store FOOD products for long or short term storage, are required to maintain a health PERMIT issued by the HEALTH AUTHORITY.

9-301.12 Sub-Leases

All partial rentals or sub-leases within a WAREHOUSE shall have a separate PERMIT in the name of the sub-lease holder unless the primary WAREHOUSE PERMIT HOLDER provides written documentation to the HEALTH AUTHORITY accepting all control and responsibility for the FOOD product contained in the WAREHOUSE.

9-302 General WAREHOUSES

9-302.11 FOOD Protection

All WAREHOUSE facilities shall conform to, and comply with, the requirements in Chapter 3 of these Regulations and the following:

- (A) Proper labels shall be applied to and maintained on containers to ensure proper identification.
- (B) Upon request by the HEALTH AUTHORITY, manufacturers' product code dates shall be made available for recall and trace-back capabilities.
- (C) FOOD shall be rotated according to FIFO.
- (D) DISTRESSED FOOD and items to be returned to the shipper shall be in a segregated labeled area, separate from other FOOD items.
- (E) Items to be returned to the manufacturer shall be labeled and properly stored separate from FOOD for consumption or processing.
- (F) FOOD shall be stored separate from non FOOD and chemical items by a physical barrier or a spatial separation of at least 12". Chemical items shall not be stored above FOOD items.

9-302.12 Pallet Use and Maintenance

- (A) Wooden or plastic pallets are acceptable for dry storage provided they are maintained in good repair, moved for regular floor cleaning, and rotated as products are removed.
- (B) Unless pallets are removed for cleaning on a regular basis, they shall be set back from the wall at least 12-18" to allow for pest control and cleaning access.

9-302.13 Shelving

Shelving shall be maintained clean and in good repair.

9-302.14 Wet Area Storage

Ice melt shall drain to a floor sink or drain to prevent accumulation of pooling water.

9-302.15 Employee Facilities

- (A) If employee break facilities are provided, they shall be:
 - (1) Designated and clearly marked.
 - (2) Away from FOOD handling/storage areas.
- (B) PERSONnel locker rooms/PERSONal item storage areas shall be maintained in a clean and sanitary condition.

9-302.16 Chemical and Maintenance EQUIPMENT Storage

Chemicals, cleaning supplies and EQUIPMENT shall be stored separately from FOOD and FOOD handling and storage areas.

9-302.17 Floor Maintenance

Floors shall be maintained clean, in good repair, non-absorbent, and EASILY CLEANABLE.

9-302.18 Exterior Areas

- (A) The exterior of the property shall be maintained free of debris, litter, and areas providing harborage to pest or vermin.
- (B) REFUSE containers and storage areas shall be maintained free of pest and vermin.

9-302.19 Pest Control

Pest control in a WAREHOUSE facility shall include the following:

- (A) A licensed commercial pest control service.

- ~~(B) An integrated pest control plan available for review by the HEALTH AUTHORITY.~~
- ~~(C) Dock doors that are kept closed when not in use.~~
- ~~(D) Air curtains that activate automatically when doors are opened.~~
- ~~(E) Devices designed to trap and/or electrocute flying insects may be used in a WAREHOUSE if they are designed and positioned so that dead insects, or insect parts, are prevented from falling on exposed FOOD, FOOD CONTACT SURFACES, or clean EQUIPMENT and UTENSILS. The trays or receptacles holding dead insects shall be emptied weekly or more frequently as needed.~~
- ~~(F) Indoor rodent control devices may include glue boards, covered tamper resistant bait stations, and mechanical traps.~~
- ~~(G) Outdoor rodent control devices may include bait stations and mechanical traps.~~

~~**9-302.20 Transportation**~~

~~VEHICLES used solely for the transport of FOOD shall be maintained in a clean, sanitary condition. If also used for transportation of toxic/poisonous materials or solid waste they shall be cleaned and sanitized prior to transporting FOOD.~~

~~**9-303 Refrigerated WAREHOUSEs**~~

~~**9-303.11 Temperature Requirements**~~

- ~~(A) Refrigerated WAREHOUSEs shall maintain PHF (TCS) at or below a temperature of 41°±2°F.

 - ~~(1) Every refrigerated area or freezer shall be equipped with a thermometer which is readily visible and accurate to ±2°F. The thermometer shall be located at least 4' above the floor, and not in the direct blast of refrigerated air, or near entrance doors.~~
 - ~~(2) Staging areas shall be maintained at a temperature which will not adversely affect the FOOD products.~~~~
- ~~(B) FROZEN FOOD shall be maintained frozen solid.~~
- ~~(C) Defrost cycles shall not adversely affect the temperature of the FOOD product.~~

~~**9-303.12 Pallet Use and Maintenance**~~

- ~~(A) Plastic pallets may be PERMITTED provided they are removed for regular cleaning and maintained in good repair.~~
- ~~(B) Wooden pallets are not PERMITTED except when goods are brought in on the pallets. Such pallets shall be promptly removed when emptied of their original load.~~

~~**9-303.13 Transportation**~~

- ~~(A) Prior to loading of refrigerated or FROZEN FOOD, the PERSON IN CHARGE shall verify that the VEHICLE's cold storage compartment is maintaining the required temperature.~~
- ~~(B) Facilities which transport refrigerated or FROZEN FOOD in non-commercial VEHICLES shall utilize insulated containers which meet the following requirements:

 - ~~(1) Use only units APPROVED by an NSF/ANSI ACCREDITED certification program or are APPROVED by the HEALTH AUTHORITY.~~
 - ~~(2) Maintain the FOOD storage units in a clean, sanitary condition.~~
 - ~~(3) Provide a thermometer accurate to ±2°F in each storage unit.~~
 - ~~(4) Maintain temperature logs on each unit every four hours, and verify that the units are capable of maintaining the FOOD contained at required temperatures.~~~~

~~**9-304 Live Molluscan and Crustacean Storage**~~

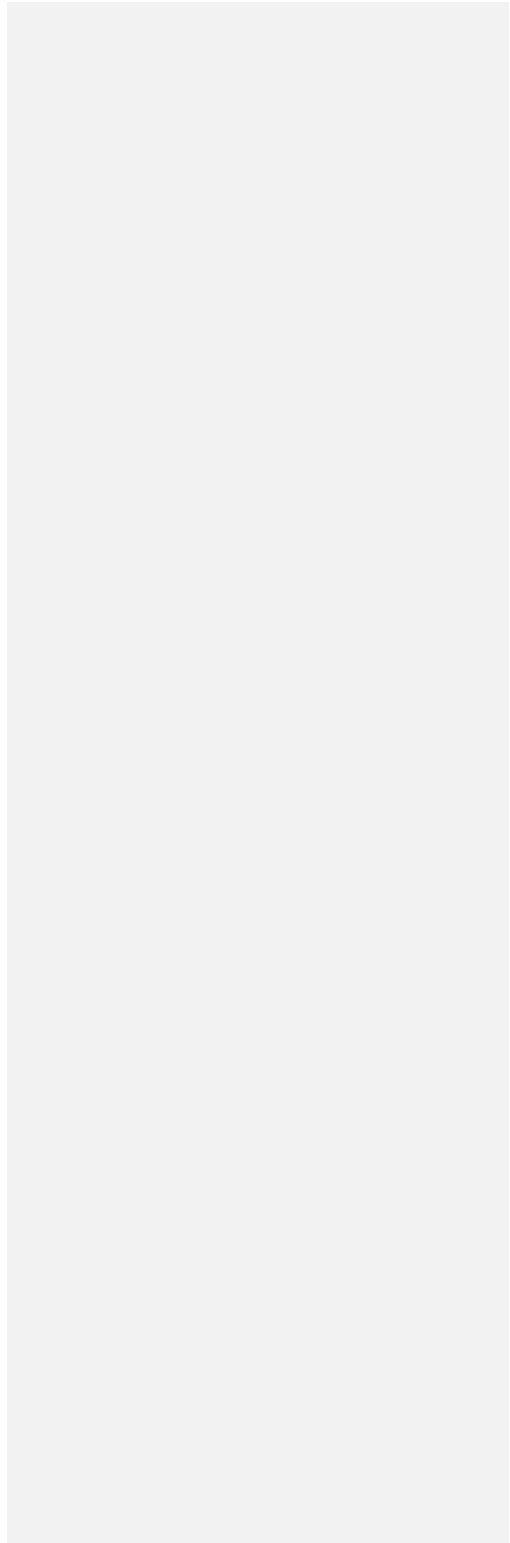
~~**9-304.11 Certification Requirements**~~

~~Any facility storing or distributing MOLLUSCAN SHELLSTOCK shall obtain State of Nevada certification as required by NAC 583.548.~~

~~**9-304.12 Operations**~~

- ~~(A) SHELLSTOCK shall be protected from CONTAMINATION and maintained refrigerated or shall be stored on ice while awaiting placement in a wet storage system.~~
- ~~(B) The traceability of the SHELLSTOCK source shall be maintained while in the wet storage tanks until the point of sale.~~
- ~~(C) Dead SHELLSTOCK or seafood shall be immediately removed from the storage tank and appropriately discarded.~~
- ~~(D) Different species, SHELLSTOCK lots, and SHELLSTOCK from different harvest areas shall not be COMMINGLED. Different species of SHELLSTOCK shall not be COMMINGLED within the same water system.~~
- ~~(E) Access to shellstock and seafood tanks by CONSUMERS is prohibited unless an alternative operational procedure and a WAIVER to include a water sampling method is APPROVED by the HEALTH AUTHORITY.~~

~~(F) — Water used in wet storage systems shall be potable and from an APPROVED SOURCE.~~



~~(G) Clearance shall be maintained between the SHELLSTOCK and the bottom of the tank to keep the product out of any sediment.~~

~~**9-304.13 Cleaning/Maintenance**~~

- ~~(A) Properly trained wet storage tank manufacturer PERSONnel or facility PERSONnel shall maintain the system.~~
- ~~(B) The wet storage system water environment shall contain adequate dissolved oxygen to keep SHELLSTOCK alive.~~
- ~~(C) Chemicals to clean or sanitize EQUIPMENT, and/or to treat the water, shall be used in accordance with manufacturer's instructions for the specified purpose.~~
- ~~(D) The PERSON IN CHARGE shall ensure that the UV indicator light is on to confirm continuous operation.
 - ~~(1) A reserve supply of UV bulbs shall be kept on site. The UV bulb shall be changed as specified by the manufacturer or more frequently if needed.~~
 - ~~(2) The plastic sleeve protecting the UV bulb shall be maintained clean.~~~~
- ~~(E) Testing of the storage water for coliforms shall be weekly or more frequently as required by the HEALTH AUTHORITY. Samples shall be taken after the UV disinfection system to confirm that absence of coliforms (<2MPN/100ml). If a single sample tests positive for coliforms, daily sampling shall be immediately instituted until the sample test have no detectable levels of coliforms. SHELLSTOCK in the affected tank shall not be sold to CONSUMERS.~~
- ~~(F) Salt used to produce artificial seawater shall be FOOD GRADE.~~
- ~~(G) Temperature of the storage water shall be at 45°F±2° or below.~~
- ~~(H) The storage water shall be checked daily for cloudiness which if present must be promptly abated. The storage water shall be changed as necessary to prevent build-up of nitrates and turbidity.~~

~~**9-305 SALVAGEABLE MERCHANDISE WAREHOUSES**~~

~~**9-305.11 Movement of DISTRESSED FOOD**~~

- ~~(A) The PERSON IN CHARGE of a PERMITTED FOOD ESTABLISHMENT which is in possession of DISTRESSED FOOD due to a fire, flood, extended power outage, or other causative agent shall notify the HEALTH AUTHORITY within 24 hours. Such product shall not be removed from the site without authorization by the HEALTH AUTHORITY.~~
- ~~(B) If emergency removal of distressed merchandise is required, the PERSON IN CHARGE shall immediately inform the HEALTH AUTHORITY of the extenuating circumstances and the proposed disposition of the FOOD.~~
- ~~(C) The salvage facility shall provide the HEALTH AUTHORITY with a disposal receipt of the DISTRESSED FOOD.~~

~~**9-305.12 Flow of Operations**~~

~~A salvaging facility that receives PACKAGED DISTRESSED FOOD products shall have distinct and separate areas to perform receiving, sorting, sanitizing, re-labeling, assembling, and packaging of salvaged containers for shipping or storing in the WAREHOUSE.~~

- ~~(A) All salvageable FOOD and distressed merchandise shall be protected from CONTAMINATION or adulteration while being handled, processed, stored, or transported.~~
- ~~(B) All POTENTIALLY HAZARDOUS FOOD (TCS) shall be maintained at a temperature of 41°F±2° or below. All FROZEN FOOD shall be maintained frozen solid.~~

~~**9-305.13 Receiving Area**~~

~~A PERSON IN CHARGE of receiving goods for salvaging shall:~~

- ~~(A) Examine the VEHICLE loads to ensure that the temperature of the VEHICLE's storage compartment are within the limits acceptable for the FOOD products being received.~~
- ~~(B) Check the VEHICLE manifest/invoice to identify and record the FOOD product's source of distress.~~
- ~~(C) Survey the VEHICLE for undesirable conditions including, but not limited to, pests, debris, and other sources of CONTAMINATION.~~

~~**9-305.14 Segregation of Merchandise**~~

~~All SALVAGEABLE MERCHANDISE shall be promptly sorted and segregated from non SALVAGEABLE MERCHANDISE in the following designated areas:~~

- ~~(A) Sorting Area. A PERSON IN CHARGE shall supervise the thorough inspection of each container, can, package, bottle, and box containing a FOOD product to determine whether the product is salvageable and shall sort the lot accordingly.~~
- ~~(B) Discarding Area. A PERSON IN CHARGE shall arrange for the immediate segregation and removal of unsalvageable FOOD products to trash receptacles for appropriate disposition. Prior to such disposition all~~

unsalvageable FOOD products shall be identified and recorded. The discarding area shall not be located within an area where other operations occur.

9-305.15 Disposition of Non-SALVAGEABLE MERCHANDISE

- (A) PACKAGED non-salvageable FOOD shall include, but is not limited to, the following:
- (1) FOOD ADULTERATED by chemicals or pesticides.
 - (2) PHF (TCS) not maintained at required temperature.
 - (3) FOOD PACKAGED in paper or other porous material which has been subject to CONTAMINATION.
 - (4) Infant formula and baby FOOD packages bearing expired or beyond use dates.
 - (5) LEAKER, SPRINGER, FLIPPER, and SWELLER cans are deemed unfit for human consumption. Class I and Class II can defects, as specified in the *AFDO Pocket Guide to Can Defects*.
 - (6) Containers, including glass containers with press caps, screw caps, pull rings or other types of openings, which have been in contact with foam or other deleterious substances as a result of fire fighting efforts, flood, sewer backups, or similar mishaps.
 - (7) FOOD products in plastic or glass containers with screw caps, snap lids, crimped caps, twist caps, snap open and similar closure types shall not be reconditioned if the containers have been submerged in water or subjected to smoke CONTAMINATION.
 - (8) Glass containers which have been subjected to a sudden impact, including but not limited to a collision or a VEHICLE turn-over.
 - (9) FOOD PACKAGED in plastic, paper, cardboard, cloth, or similar packaging material that has sustained water damage or has been exposed to foam.
 - (10) A container of FOOD without the appropriate label or mandatory information that cannot be identified and relabeled correctly.
- (B) Non-SALVAGEABLE MERCHANDISE shall not be sold or distributed as human FOOD, and shall be disposed of in a manner APPROVED by the HEALTH AUTHORITY. Receipts of disposal shall be maintained and made available to the HEALTH AUTHORITY upon request.

9-305.16 RECONDITIONING and SANITIZATION Area

RECONDITIONING of merchandise shall take place in the SANITIZATION area. A PERSON IN CHARGE of these operations shall perform or supervise the SANITIZATION of all salvageable cans in accordance with an APPROVED SANITIZATION process. FOOD containers not requiring RECONDITIONING shall be dusted or wiped clean prior to re-labeling.

9-305.17 RECONDITIONING of Canned FOOD Products

- (A) Cans may be reconditioned if:
- (1) The product is not contaminated.
 - (2) Metal cans of FOOD shall be free from pitted rust, with no rust remaining after buffing, electrolysis, or suitable means of rust removal.
 - (3) There are no dents on the rim or double seal, and no V-shaped creases in the metal in other areas.
 - (4) Cracking has not compromised the can's corrugations.
 - (5) The ends of the can are not bulged.
 - (6) Cans soiled by dirt, smoke, non-potable water, or in any other manner may be reconditioned if the product is not contaminated and the container can be cleaned by an APPROVED method.
- (B) FOOD product, in a HERMETICALLY SEALED CONTAINER, exposed to fire and smoke but not excessive heat may be cleaned and reconditioned.
- (C) Hermetically SEALED salvageable cans of FOOD product that have been exposed to non-potable water shall be reconditioned using the following procedure:
- (1) Remove labeling.
 - (2) Inspect cans for pinholes.
 - (3) Wash cans in soapy solution.
 - (4) Rinse cans in potable water.
 - (5) Buff cans to remove surface rust.
 - (6) Sanitize cans by immersing for 20 seconds in a solution containing not less than 100 ppm of chlorine.
 - (7) Dry.
 - (8) Re-labeled as specified in Paragraph 9-305.20 of this Chapter.

9-305.18 RECONDITIONING of Screw Top, Crimped Cap or Similar Closure Packages
~~(A) — These containers may be reconditioned if:~~

- ~~(1) The product is not contaminated.~~
- ~~(2) The soil can be removed without affecting the closure mechanism or the contents.~~
- ~~(3) The closure mechanism is free of rust, and buffing removes any surface rust.~~
- ~~(4) Indentations on the cap or crown have not damaged the seal.~~
- ~~(5) All labels and tax stamps are in place.~~

~~Cans with flip tops can be sanitized provided a careful examination of the area specified under the flip top is performed. All exposed 6-pack units shall be separated from their plastic binding prior to being wiped clean.~~ § 2- 201.3.

~~(B) Containers of FOOD shall be deemed unsuitable for RECONDITIONING if:~~

- ~~(1) The product is contaminated.~~
- ~~(2) There is evidence that the container has been exposed to extreme pressure or temperature.~~
- ~~(3) Soil surrounds the closure mechanism.~~
- ~~(4) Rust surrounds the closure mechanism.~~
- ~~(5) The cap or crown has dents affecting the rim seal.~~
- ~~(6) The product was submerged in water or chemicals.~~

9-305.19 RECONDITIONING of Plastic, Paper, Cardboard, Cloth or Similar Containers

~~(A) Containers exposed to minor fire and/or smoke damage may be reconditioned, if the labels are intact and the contents have not been affected. Containers may be reconditioned if:~~

- ~~(1) The product is not contaminated.~~
- ~~(2) The external container or package is compromised, but the interior liner/container or remains intact.~~
- ~~(3) The container can be cleaned without contaminating or otherwise affecting the product.~~

~~(B) Containers shall be deemed unsuitable for RECONDITIONING if the package integrity has been compromised and the FOOD product may have been exposed to CONTAMINATION.~~

9-305.20 Labeling Distressed Merchandise

~~(A) Re-labeling Area: At the re-labeling area, the PERSON IN CHARGE shall ensure that the label applied contains all the necessary and pertinent information contained on the original FOOD product label. If re-labeling is not required the product salvage date shall be added to the container's label.~~

~~(B) Salvaged FOOD product containers shall meet the labeling requirements of the NRS and the Fair Packaging and Labeling Act in the Federal Food, Drug, and Cosmetic Act and the following:~~

- ~~(1) Salvageable cans shall be cleaned in accordance with Paragraph 9-305.17 prior to re-labeling.~~
- ~~(2) Re-labeling or over-labeling shall:

 - ~~(a) Contain all information from the original label.~~
 - ~~(b) Not be misleading in any way.~~
 - ~~(c) Show the label codes and "sell by" or "use by" dates given on the original packaging, plus the date of product RECONDITIONING. The word "Salvaged", in a minimum 1/4" inch letters, and the salvage repackaging facility's name and address shall be on the label.~~~~

~~(C) All labels shall be submitted to the HEALTH AUTHORITY for approval.~~

~~(D) Salvaged FOOD shall not be sold, offered for sale or distributed after the "sell by" or "use by" date on the label of the original container unless the manufacturer assures, in writing to the HEALTH AUTHORITY, the continued safety of the product. The written assurance shall specify a "sell by" or "use by" date to be shown on the new label.~~

9-305.21 Storage and Shipping Area

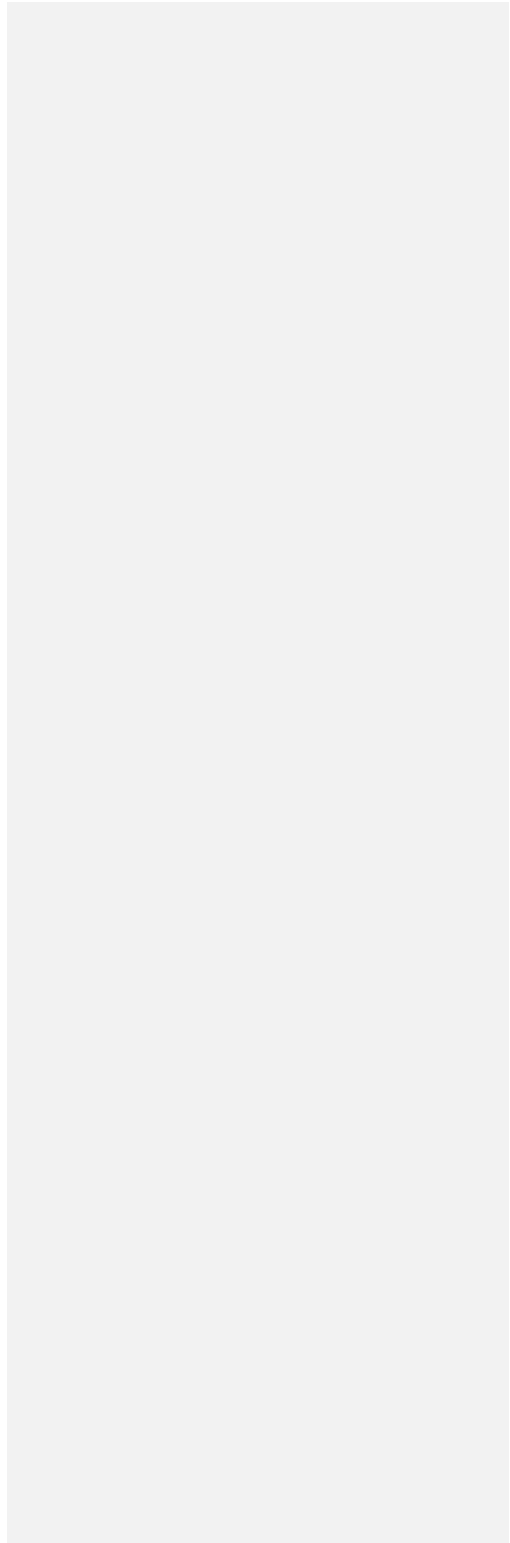
~~(A) Storing in WAREHOUSE Area: a PERSON IN CHARGE shall perform or supervise the transfer of all salvaged FOOD product containers to a clean and controlled area and shall prepare a manifest or inventory identifying the date and place where the FOOD products were put in storage. If at any time during storage a FOOD product becomes contaminated, or a container becomes distressed, it shall be deemed unsalvageable and disposed of properly.~~

~~(B) Shipping Area: A PERSON IN CHARGE shall record, on a manifest or similar report, all FOOD products shipped or distributed, and shall inspect the cargo area and transport VEHICLE for cleanliness and required temperature control prior to loading.~~

9-305.22 Salvage Processing Facilities and Distributors Outside of Clark County, Nevada

~~Salvaged FOOD product from salvage processing facilities and distributors located outside of Clark County, Nevada, may be sold or distributed within Clark County if it originates from an APPROVED SOURCE PERMITTED by its local HEALTH AUTHORITY or AGENCY OF JURISDICTION. The HEALTH AUTHORITY may request PERMIT~~

verification or copies of inspection reports from the local jurisdiction.



~~9-306 — VENDING MACHINE and Processing WAREHOUSES.~~

~~9-306.11 — Operational Requirements~~

~~Individual VENDING MACHINES shall be operated as specified in NAC 446.870 through NAC 446.910. VENDING MACHINE WAREHOUSES shall meet applicable requirements of these Regulations and of State Statute, including but not limited to:~~

- ~~(A) — Milk and fluid milk products and fluid non-dairy products, or creaming agents may not be dispensed in VENDING MACHINES as additional ingredients in hot liquid BEVERAGES or other FOOD.~~
- ~~(B) — POTENTIALLY HAZARDOUS FOOD (TCS) offered for sale in VENDING MACHINES shall be dispensed to the CONSUMER in the individual, original container or package into which it was placed at:
 - ~~(1) — A FOOD ESTABLISHMENT having a PERMIT issued by the HEALTH AUTHORITY or AGENCY OF JURISDICTION, or~~
 - ~~(2) — The plant of the manufacturer or processor.~~~~
- ~~(C) — VENDING MACHINES which dispense POTENTIALLY HAZARDOUS FOOD (TCS) shall be provided with adequate refrigerating or heating units and thermostatic controls which ensure the maintenance of refrigerated FOOD at a temperature of 41°F±2° or below, and hot FOOD at a temperature of 135°F±2° or above, or 10°F±2° or below if frozen.~~
- ~~(D) — The FOOD products shall be properly labeled as required by these Regulations.~~
- ~~(E) — Ready to eat POTENTIALLY HAZARDOUS FOOD (TCS) held for more than 24 hours shall be labeled with the preparation date by when the FOOD shall be consumed, which shall be seven days or less from the date of preparation. Ready to eat POTENTIALLY HAZARDOUS FOOD (TCS) shall be discarded if not consumed within seven days from the date of preparation.~~
- ~~(F) — Refrigerated READY-TO-EAT PHF (TCS) prepared in a FOOD ESTABLISHMENT, and dispensed through a VENDING MACHINE with an automatic shut-off control, shall be discarded if it exceeds a temperature and time combination as specified in Chapter 3-501.17 (A) of these Regulations.~~
- ~~(G) — Receptacles for trash shall be provided in the vicinity of each VENDING MACHINE or group of VENDING MACHINES, but not within the VENDING MACHINE. The receptacles shall close automatically, shall be leak proof, EASILY CLEANABLE, insect and rodent proof, and shall be cleaned daily to prevent the attraction of insects and rodents.~~

~~9-306.12 Compliance~~

~~All VENDING MACHINE companies that provide VENDING MACHINES that dispense POTENTIALLY HAZARDOUS FOOD (TCS), including novelty frozen desert products, shall have a PERMIT for their place of business where the POTENTIALLY HAZARDOUS FOOD (TCS) is stored, prepared, and stocked. The operator of the VENDING MACHINE company shall maintain a record of all VENDING MACHINES that dispense POTENTIALLY HAZARDOUS FOOD. This record shall include the VENDING MACHINE's physical location, its serial or identification number, and the type of FOOD dispensed.~~

~~9-306.13 Transportation~~

- ~~(A) — The FOOD storage compartment of all VEHICLES used for the transport of refrigerated or FROZEN FOOD for use in a VENDING MACHINE shall be maintained in a clean and sanitary condition.~~
- ~~(B) — Prior to loading of refrigerated or FROZEN FOOD for use in VENDING MACHINES, the PERSON IN CHARGE of the transport VEHICLE shall verify that the storage compartment is maintaining required temperature.~~
- ~~(C) — Facilities which utilize insulated containers with cooling inserts shall:
 - ~~(1) — Use only units APPROVED by an NSF/ANSI ACCREDITED certification program.~~
 - ~~(2) — Maintain the FOOD storage units in a clean, sanitary condition.~~
 - ~~(3) — Provide a thermometer accurate to ±2°F in each storage unit.~~
 - ~~(4) — Maintain temperature logs on each unit every four hours, and verify that the units are capable of maintaining the FOOD contained at required temperatures.~~~~

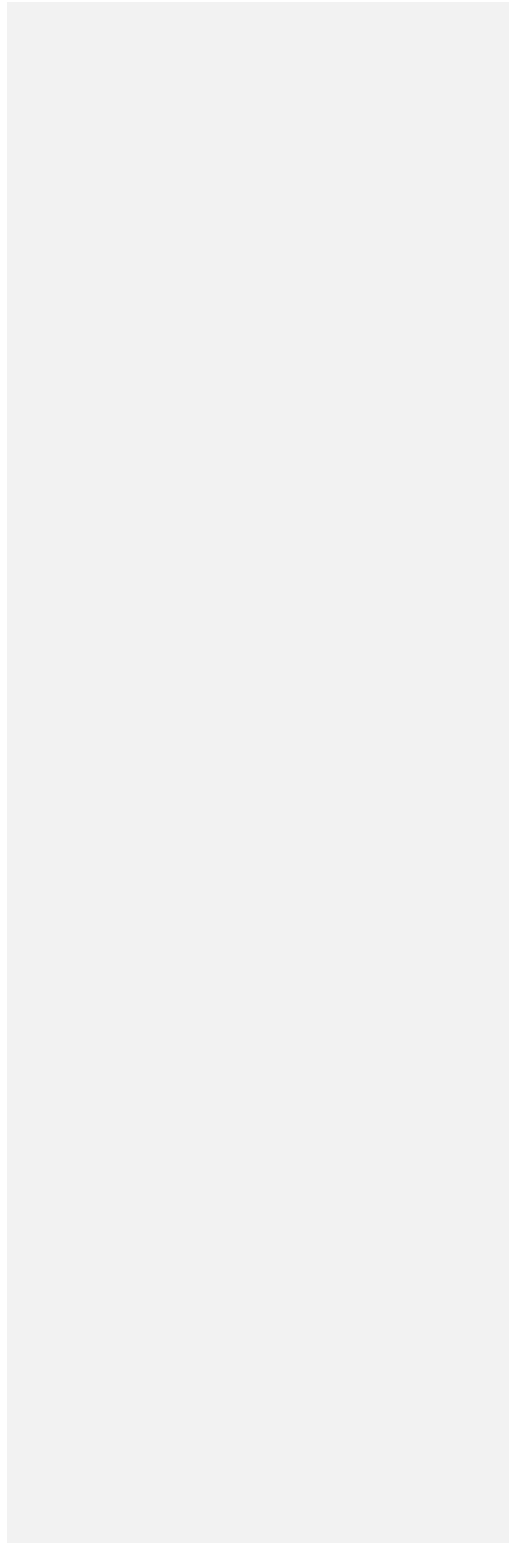
Record Keeping

rts

01 Record Keeping

02 Examination of Records

~~9-401~~ Record Keeping
~~9-401.11~~ Requirements



- ~~(A) Records shall be maintained for a minimum of one year and shall be made available for inspection by the HEALTH AUTHORITY upon request.~~
- ~~(B) The operator shall maintain a product inventory, which includes point of origin and final destination, of all products shipped.~~
- ~~(C) All facilities that WAREHOUSE and distribute Bi-valve MOLLUSCAN SHELLSTOCK shall have a written HACCP PLAN on file. Record keeping by retail FOOD facilities utilizing wet storage of MOLLUSCAN SHELLSTOCK shall include inspection and monitoring of the water treatment/UV disinfection system, water testing, maintenance records, SHELLSTOCK trace-back, temperature controls, cleaning and SANITIZATION of the tanks.~~
- ~~(D) All salvage facilities, including FOOD ESTABLISHMENTS that carry out salvage operations, shall keep legible records and/or receipts of distressed, salvageable, and/or salvaged FOOD product. These records shall include the product name, quantity of specified packages, the source of the distressed or salvaged FOOD product, the date received, the type of damage if any, shipping dates if applicable, and the disposition of FOOD product that was stored salvaged but was later disposed of or destroyed as unsalvageable or ADULTERATED.~~
- ~~(E) The operator of the WAREHOUSE shall maintain temperature logs on the following:

 - ~~(1) All refrigerated and FROZEN FOOD upon receipt. Receiving temperatures recorded on invoices shall meet the requirements of a log.~~
 - ~~(2) The ambient air of the refrigerated compartment of transport VEHICLES prior to loading for shipment of all refrigerated and FROZEN FOOD.~~
 - ~~(3) All refrigeration units within the WAREHOUSE.~~~~

~~**9-402 Examination of Records**~~

~~**9-402.11 Permission to Examine Records**~~

~~The HEALTH AUTHORITY shall be allowed to examine records of the ESTABLISHMENT, that are pertinent to these Regulations or to obtain pertinent information to recalls, trace-backs, or outbreak investigations as specified in NRS 446.890.~~

~~**9-501 Management and PERSONnel**~~

~~**9-501.11 FOOD HANDLER Health**~~

~~The PERSON IN CHARGE shall promptly report to the HEALTH AUTHORITY information about the health and activities of FOOD HANDLERS that may relate to symptoms of an illness that are transmissible through FOOD as specified in Chapter 2 of these Regulations.~~

~~**9-501.12 FOOD HANDLER HEALTH CARD**~~

~~FOOD HANDLER's working with open FOOD in a WAREHOUSE shall possess a current, valid FOOD HANDLER'S HEALTH CARD as specified in Chapter 2 of these Regulations.~~

~~**9-501.13 PERSONal Cleanliness**~~

~~The PERSON IN CHARGE shall ensure that:~~

- ~~(A) All FOOD HANDLERS wash their hands as specified in Chapter 2 of these Regulations~~
- ~~(B) All FOOD HANDLERS wear clean outer clothing.~~

~~**9-501.14 Hair Restraints**~~

~~FOOD HANDLERS who prepare or serve FOOD shall restrain their hair as specified in Chapter 2-402.11 of these Regulations.~~

~~**9-501.15 Tobacco Use**~~

~~Smoking and tobacco usage is prohibited within a WAREHOUSE operation.~~

Chapter 10 Mobile Food Units

Parts

- ~~10.1~~ — ~~Definitions~~
- ~~10.2~~ — ~~Plan Review~~
- ~~10.3~~ — ~~Food Protection~~
- ~~10.4~~ — ~~Sanitation Requirements~~
- ~~10.5~~ — ~~Commissary or Servicing Depot~~
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- ~~10.7~~ —

8-6	Administrative Process
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8-601	Administrative Process for Non-Compliance
8-602	Permit Suspension and Reinstatement
8-603	Appeal Process

8-601 Administrative Requirements Process for Non-Compliance

~~10.101~~ — ~~Applicability and Listing of Terms~~

~~10.101.11 Interpretation and Listing of Terms~~

The following definitions shall apply in the interpretation and application of this Chapter.

~~10.102~~ — ~~Definitions~~

~~FOOD SERVICE TRAILER~~ means a MOBILE FOOD UNIT designed to be towed on public roads, and having an enclosed area for storage, handling, or preparation of FOOD, and PERMITTED as MOBILE FOOD UNITS as a FULL SERVICE COACH.

~~FROZEN PRODUCT SALES/DELIVERY MOBILE UNIT~~ means a pick up truck or similar VEHICLE with either a built on or slide in prefabricated freezer unit, or a canopy with a freezer inside for the delivery of PRE PACKAGED FOOD to designated addresses. No open FOOD handling or door to door sales is allowed.

~~FULL SERVICE COACH~~ means a MOBILE UNIT, including FOOD SERVICE TRAILERS, in which FOOD, including PHF (TCS), may be stored, prepared, cooked, and/or served.

~~MOBILE UNIT~~ means any properly enclosed VEHICLE in which FOOD, BEVERAGES, frozen desserts or dairy products and mixes are prepared, processed, or converted for human consumption, and which is used to sell and dispense FOOD and BEVERAGES to customers. The term includes full service “hot” trucks and limited service “ice cream” trucks. The term does not include a pushcart or any portable unit for the service of FOOD.

~~PRE-PACKAGED FROZEN NOVELTY TRUCK~~ means a MOBILE UNIT in which APPROVED menu items are RESTRICTED to LOW-RISK FOOD that may include PRE-PACKAGED, non-PHF (TCS) or LOW-RISK FOOD, including but not limited to frozen confections, sodas, chips, and candies.

~~SELF-SERVICE PRE-PACKAGED FOOD TRUCK~~ means a MOBILE UNIT from which customers serve themselves PRE-PACKAGED FOOD.

~~10.201~~ — ~~COMMISSARY~~

~~10.201.11 PERMIT Requirements~~

All COMMISSARY facilities operating within Clark County, Nevada, are required to maintain a health PERMIT issued by the HEALTH AUTHORITY.

~~10.201.12 EQUIPMENT and Structural Requirements~~

A COMMISSARY shall meet the EQUIPMENT and structural requirements for a FOOD ESTABLISHMENT as provided in FOOD Service Establishment Plan Review Requirements for EQUIPMENT and facilities, and as specified in these Regulations.

~~10.202~~ — ~~SERVICING DEPOT~~

~~10.202.11 PERMIT Requirements~~

All SERVICING DEPOT facilities operating within Clark County, Nevada, are required to maintain a health PERMIT issued by the HEALTH AUTHORITY.

10-202.12 EQUIPMENT AND Structural Requirements

In addition to a valid health PERMIT, SERVICING DEPOTS shall meet the following requirements:

- (A) ~~A room large enough to accommodate a MOBILE UNIT, with properly constructed walls, ceiling and floors, and proper ventilation and lighting shall be provided at a SERVICING DEPOT for cleaning MOBILE UNITS.~~
- (B) ~~Floors shall be properly sloped and drained to a sanitary sewer.~~
- (C) ~~SERVICING DEPOTS are required to have EQUIPMENT commensurate with the type of FOOD that is being stored during the MOBILE UNIT's servicing. FOOD holding areas shall be separated from cleaning areas with partitions or other distinguishable barriers.~~
- (D) ~~There shall be a hose sufficient for washing a MOBILE UNIT at a SERVICING DEPOT, and a facility to store the hose off the ground, to prevent CONTAMINATION.~~
- (E) ~~There shall be a sufficient amount of steam or hot water, at a temperature of at least 170°F±2°, to properly sanitize the MOBILE UNIT and EQUIPMENT that is not sanitized with chemical disinfectants.~~
- (F) ~~There shall be adequate ventilation to prevent the accumulation of vapors, fumes, or mists during the cleaning and SANITIZATION processes.~~
- (G) ~~There shall be an APPROVED three compartment sink.~~
- (H) ~~There shall be adequate drainage and grease collection capacities, as required by the AGENCY OF JURISDICTION and the HEALTH AUTHORITY, to prevent FOOD debris and excessive grease from entering the sanitary sewer system or storm drains.~~
- (I) ~~There shall be a restroom, with at least one toilet and one HAND WASHING SINK, plumbed with hot and cold running water, stocked with toilet paper, liquid soap, paper towels, and a covered trash receptacle as specified in Chapter 6-202.14 of these Regulations. This restroom shall be accessible to anyone working within the COMMISSARY or SERVICING DEPOT.~~

10-203 MOBILE UNIT Plans

10-203.11 Plan Submission

Plans shall be submitted to the HEALTH AUTHORITY, Environmental Health Plan Review, for all VEHICLES that are to be used as MOBILE UNITS.

10-203.12 Third Party PERMITTING

No MOBILE UNIT shall be rented or sub-leased to a third party without the renter or lessee obtaining a separate health PERMIT.

10-203.13 General Requirements

The following information shall be provided at the time the plans for MOBILE UNITS are submitted:

- (A) ~~The VEHICLE identification number (VIN) of the VEHICLE used for the MOBILE UNIT.~~
- (B) ~~The license plate number and State of issuance of the VEHICLE used for the MOBILE UNIT.~~
- (C) ~~A description of markings specific to each MOBILE UNIT. The VEHICLE shall have the name, along with either the address or the phone number, of the vendor visible from both sides of the unit.~~
- (D) ~~A letter of intent which describes:
 - (1) ~~The menu for the MOBILE UNIT.~~
 - (2) ~~The methods and EQUIPMENT to be used for cooking, cooling, and holding of FOOD.~~
 - (3) ~~Methods for preparing and handling FOOD when prepared on the MOBILE UNIT.~~~~
- (E) ~~A signed letter of agreement with the COMMISSARY or SERVICING DEPOT outlining the services provided to the MOBILE UNIT which shall include a copy of the COMMISSARY or SERVICING DEPOT's health PERMIT. An address for the location of the VEHICLE, when not parked at the COMMISSARY or SERVICING DEPOT, shall be provided to the HEALTH AUTHORITY.~~
- (F) ~~Any other information requested by the HEALTH AUTHORITY, during the Plan Review process, which is necessary to determine the scope of the FOOD ESTABLISHMENT operations.~~

10-203.14 Structure and EQUIPMENT

~~FROZEN PRODUCTS SALES/DELIVERY MOBILE UNITS shall be equipped with an NSF/ANSI Standard #7 freezer unit. The unit compressor shall be capable of operating from a converter, or other APPROVED method of mechanical refrigeration, at all times when the VEHICLE is running. The freezer unit shall be enclosed with an APPROVED thermometer readable from outside the unit.~~

10-203.15 PRE PACKAGED FROZEN NOVELTY TRUCKS

~~PRE PACKAGED FROZEN NOVELTY TRUCKS shall meet the following structural, EQUIPMENT, and Plan Review requirements:~~

| ~~(A) — An individual shall be able to stand upright inside of the unit.~~

- ~~(B) The service shall be from the inside to the outside via service openings with a maximum of two openings, no larger than 18" square, with either hinged or slider windows.~~
- ~~(C) The inside finishes of the VEHICLE shall be light in color, and SMOOTH and EASILY CLEANABLE. Walls and ceilings shall be light in color with SMOOTH and EASILY CLEANABLE surfaces. Floors shall be of metal or commercial grade linoleum.~~
- ~~(D) A description of the type of ventilation and/or air conditioning system(s) used within the VEHICLE. These systems shall be able to maintain the interior ambient temperature within the testing limit temperature range of the refrigeration EQUIPMENT.~~
- ~~(E) An NSF/ANSI STANDARD #7, or equivalent freezer unit, with a compressor capable of operating off appropriately sized converter, or other APPROVED method of mechanical refrigeration, at all times when the VEHICLE is running. Dry ice is prohibited from use in a MOBILE UNIT.~~

~~**10-203.16 SELF-SERVICE PRE-PACKAGED FOOD TRUCK**~~

~~SELF-SERVICE PRE-PACKAGED FOOD TRUCKS shall meet the following structural, EQUIPMENT, and Plan-Review requirements:~~

- ~~(A) Doors/covers shall be tight fitting to protect the unit from inclement weather and effectively EXCLUDE dust, dirt, and vermin.~~
- ~~(B) A description of the location where FOOD, EQUIPMENT, UTENSILS, paper products, water tanks, and cleaning supplies will be stored on the unit.~~
- ~~(C) The outside of the unit shall be of metal or fiberglass construction equivalent to or exceeding NSF/ANSI standards for construction and materials.~~
- ~~(D) The interior of cabinet units or compartments shall be constructed to have SMOOTH, easily accessible and EASILY CLEANABLE surfaces, with at least 1/8" horizontal and vertical coves, free from channels, crevices, flanges, ledges, sharp or jagged edges, or other cleaning obstructions.~~
- ~~(E) Surfaces shall be constructed of a solid material including but not limited to stainless steel. The surfaces shall be free of pits, cracks, rust, and other obstructions that would interfere with proper cleaning. Wood surfaces are not allowed.~~
- ~~(F) Newly PERMITTED units shall have mechanical refrigeration for all POTENTIALLY HAZARDOUS FOOD, with ice used only as a supplement to refrigeration.~~

~~Coffee prepared at APPROVED~~

- ~~(G) Food establishments PERMITTED by the HEALTH AUTHORITY, as the base of operations, may be sold from an APPROVED commercial NSF/ANSI dispenser.~~
- ~~(H) A description of the type of EQUIPMENT that will be used to dispense paper cups, stirring sticks, spoons, straws, sugar, dried creamer, or PRE-PACKAGED CONDIMENTS. Paper cups used at a MOBILE UNIT shall be contained in an APPROVED dispenser that effectively protects the interior and the lip of the cup from dust and handling.~~
- ~~(I) Provisions for proper disposal and storage of solid waste within the MOBILE UNIT and outside of the MOBILE UNIT for customer use.~~
- ~~(J) Receptacles shall be maintained clean so as not to create a nuisance.~~
- ~~(K) Receptacles shall be lined with properly sized disposable plastic liners.~~

~~**10-203.17 Supplemental Service from a SELF-SERVICE PRE-PACKAGED FOOD TRUCK**~~

~~In addition to the above requirements, FOOD handling outside, of the VEHICLE, shall be limited to the preparation of espresso, specialty coffees, and related BEVERAGES provided that:~~

- ~~(A) The unit contains an NSF/ANSI certified HAND WASHING SINK serviced with tempered or hot/cold water under pressure, and soap and towels with splash guards, as specified in Section 10-203.18 (J) of this Chapter.~~
- ~~(B) The unit contains an NSF/ANSI certified three-compartment sink with integral drain boards and serviced with hot and cold water under pressure.~~
- ~~(C) The unit contains adequate safeguards to protect FOOD from CONTAMINATION during service and while in transit.~~
- ~~(D) The unit has 35-foot candles of light on the preparation, HAND WASHING SINK, and three-compartment sink surfaces.~~
- ~~(E) The unit contains a 15-gallon fresh water supply, a water heater that provides no less than 10 gallons per hour of 120°F±2° hot water, and a waste water tank that is at least 15% larger than the combined capacity of fresh and hot water tanks, and meets the requirements as specified in Section 10-203.18 (K) of this Chapter.~~

Chapter.

~~(F) The COMMISSARY for such a unit shall meet the requirements of a full service kitchen and shall meet all requirements as specified in these Regulations.~~

~~10-203.18 FULL SERVICE COACHES~~

All minimum kitchen standards apply as provided in *Food Service Establishment Plan Review Requirements for Equipment & Facilities*, including hot and cold water sources, HAND WASHING SINKS, three compartment sinks, cooking, heating and refrigeration EQUIPMENT, ventilation, and interior finishes. These MOBILE UNITS shall comply with all applicable requirements of these Regulations. Specific requirements are:

- (A) ~~The unit shall be fully enclosed and tall enough on the inside to stand upright, 6' minimum height.~~
- (B) ~~Service openings shall be no larger than 18" square and located away from open FOOD to protect the FOOD from CONTAMINATION. Service openings shall be hinged or designed to slide open, and remain open only while FOOD and BEVERAGES are being served. If service openings are not self closing fly fans shall be installed.~~
- (C) ~~Doors to the outside shall be self-closing.~~
- (D) ~~There shall be a partition or dividing wall between the FOOD preparation and the driver's cab areas of the MOBILE UNIT.~~
- (E) ~~Floors shall be of impervious material, SMOOTH and EASILY CLEANABLE, with coved, watertight junctures. Walls and ceilings shall be light colored, with SMOOTH, EASILY CLEANABLE material.~~
- (F) ~~Ventilation shall be sufficient to prevent the unnecessary opening of doors and service windows. Cooking appliances generating grease laden vapors shall have an NSF/ANSI or equivalent ducted, grease baffle hood with an ansul system.~~
- (G) ~~50-foot candles of light shall be provided on FOOD CONTACT SURFACES with all light fixtures properly shielded.~~
- (H) ~~Refrigeration, cooking, and hot holding EQUIPMENT shall be NSF/ANSI or equivalent. Plan submissions shall include:
 - (1) ~~The type, number, and location(s) of refrigeration and/or hot holding display units placed on the VEHICLE.~~
 - (2) ~~An adequate number of units large enough to store safely all cold PHF (TCS) at a temperature of 41°F±2° or below.~~
 - (3) ~~The type and location of cooking EQUIPMENT.~~
 - (4) ~~The source of off-VEHICLE electrical power when the VEHICLE is running.
 - (a) ~~Cooking EQUIPMENT may be powered using either VEHICLE electrical power or propane.~~
 - (b) ~~Hot holding units may be operated using either VEHICLE electrical power or propane.~~~~~~
- (I) ~~A three compartment sink is required and shall have integral drain boards. The three compartment sink shall be large enough to accommodate all UTENSILS and KITCHENWARE and shall have hot and cold water under adequate pressure. Hot water shall be maintained at 120°F±2°. The faucets shall reach all bays of the sink.~~
- (J) ~~A separate HAND WASHING SINK is required with hot/cold, tempered/cold, or tempered only DRINKING WATER that is delivered through a mixing faucet. The minimum size is 10" x 10" with a minimum depth of 6" and a 12" clearance above the sink. If the HAND WASHING SINK is located within 18" of a FOOD preparation surface, or the dish washing area, there shall be a 12" high waterproof splash guard installed between the HAND WASHING SINK and the dish washing sink and/or FOOD preparation area. At all times the HAND WASHING SINK shall be fixed in place, accessible and uncovered. No cutting board or drain board shall be placed or permanently installed over the HAND WASHING SINK. The HAND WASHING SINK shall be located between 30" and 42" above the floor in the FOOD preparation area.~~
- (K) ~~There shall be a minimum 40 gallon fresh water tank. The water heater shall provide no less than 22 gallons per hour of 120°F±2° hot water. Water supply shall be protected from CONTAMINATION and back-siphonage, and shall fill and drain via RV type fixtures. There shall be a minimum of a 46 gallon waste water tank that is 15% larger than the combined capacities of the tanks holding the water supply. Water fixtures and tanks shall meet the following requirements:
 - (1) ~~Water pumps must activate automatically when water is dispensed from a fixture. Manually-operated water pumps are prohibited.~~
 - (2) ~~The water and waste water tanks shall be rigid, durable, and EASILY CLEANABLE. Collapsible tanks are not allowed.~~
 - (3) ~~Tanks shall be sloped to drain and shall have capacity indicators.~~
 - (4) ~~The MOBILE UNIT is not allowed to hook up to water or sewer anywhere except at their APPROVED COMMISSARY or SERVICING DEPOT.~~~~

~~(5) — The inlet for water shall be removable, made of flexible copper pipe or other APPROVED tubing, and equipped with an APPROVED vacuum breaker or nozzle for connecting a potable water grade hose.~~

- ~~(6) There shall be a cap available so the tank may be capped when not in use.~~
- ~~(7) The filler hoses shall be clearly and permanently identified, used only for their intended purposes, and hung with the ends connected or covered when stored. Hoses connected to potable water shall meet the requirements as specified in Chapter 5-302.16 of these Regulations. A vacuum breaker shall be installed on the water tap at the COMMISSARY or SERVICING DEPOT.~~
- ~~(8) If compressed air is used to pressurize the water tank system, a filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and DRINKING WATER system.~~
- ~~(9) The inlet and outlet shall be located to prevent CONTAMINATION from the discharge of waste, dust from the road, oil, or grease.~~
- ~~(10) The waste water tank drain shall be at least 1" in diameter with a shut-off valve.~~
- ~~(11) Waste water tanks with an outlet for overflow are prohibited.~~
- ~~(L) The type and location of any pressurized tanks or cylinders used in the VEHICLE, including but not limited to carbon dioxide for BEVERAGES, or propane for heating or cooking require that:~~
 - ~~(1) All tanks and cylinders fasten securely to the units.~~
 - ~~(2) Liquid petroleum be installed and maintained to meet local fire department standards and other applicable LAWS.~~
 - ~~(3) Pressurized cylinders be installed in a compartment separate from the burner and be vented to the outside.~~
- ~~(M) The type and location of ventilation EQUIPMENT require that:~~
 - ~~(1) Ventilation shall be sufficient to eliminate the need to have the service window open for cooling when not otherwise in use to serve FOOD or BEVERAGES.~~
 - ~~(2) Cooking appliances generating grease-laden vapors shall have an NSF/ANSI or equivalent ducted, grease baffle hood with a fire suppression system.~~
 - ~~(3) A ventilation and/or air conditioning system within the MOBILE UNIT shall be capable of maintaining the internal ambient temperature within the testing limits of the refrigeration EQUIPMENT.~~
- ~~(N) Provisions shall be made for proper disposal and storage of solid waste, both within and outside of the MOBILE UNIT, for customer use ensuring that:~~
 - ~~(1) Receptacles are maintained clean so as not to create a nuisance.~~
 - ~~(2) All receptacles are lined with properly sized disposable plastic liners.~~

10-204 Facility and EQUIPMENT

10-204.11 Modifications

Any proposed changes in EQUIPMENT or the operation of the MOBILE UNIT shall be submitted to, and APPROVED by, the HEALTH AUTHORITY prior to the proposed changes being made.

10-301 FOOD Purchasing and Receiving

10-301.11 FOOD from an APPROVED SOURCE

- ~~(A) All ingredients used in FOOD, including ice, prepared in a mobile FOOD vendor COMMISSARY or MOBILE UNIT shall be from an APPROVED SOURCE.~~
- ~~(B) The source of the FOOD, whether in the state of Nevada or offered in interstate commerce, shall meet or exceed all federal, state, and local regulations in the jurisdiction in which the ingredient or FOOD was initially prepared, as well as all of the standards in the HEALTH AUTHORITY's jurisdiction. When FOOD or novelty items are prepared or manufactured outside the jurisdiction of the United States of America, that particular FOOD or novelty item may be evaluated at the discretion of the HEALTH AUTHORITY.~~
- ~~(C) FOOD determined to be in unacceptable condition cannot be used as ingredients in FOOD offered for sale in the MOBILE FOOD UNIT and shall be discarded or returned to the provider for credit.~~
- ~~(D) No FOOD prepared or stored in a private residence or house may be used, stored, served, offered for sale, sold, or given away in a MOBILE UNIT.~~

10-301.12 FOOD Receiving and Storage

- ~~(A) During receiving the PERSON IN CHARGE of the COMMISSARY shall inspect all FOOD for proper temperature and storage.~~
- ~~(B) FOOD shall be transported and stored in a manner that maintains its required temperature, and to prevent CROSS-CONTAMINATION during transport.~~
- ~~(C) FOOD shall comply with all requirements listed in Chapter 3-1 and 3-2 of these Regulations during receiving and storage.~~

~~10-302~~ **FOOD Packaging**

~~10-302.11~~ **Commercially PACKAGED FOOD**

- ~~(A) FOOD that is purchased by a mobile FOOD vendor that comes PRE PACKAGED for individual sale, including but not limited to ice cream novelties, candy, potato chips, PACKAGED cookies, JUICE boxes, half pints of milk, etc., shall remain in their individual packaging for sale to the CONSUMER. PRE PACKAGED FOOD stating "Not Labeled for Individual Sale" shall not be sold.~~
- ~~(B) Commercially PACKAGED FOOD for daily use:

 - ~~(1) Syrups used to make sundaes, milkshakes, and similar items shall be kept in the original containers which shall not be refilled.~~
 - ~~(2) The container shall have a non-corrosive cover with an integral ladle.~~
 - ~~(3) Multi-use pumps for syrup or milk shall be washed, rinsed, and sanitized, at least daily or more frequently if needed, in the three-compartment sink located on the VEHICLE, or at the COMMISSARY/SERVICING-DEPOT, and as specified in Chapter 4-404.11 of these Regulations.~~~~

~~10-302.12~~ **FOOD Packaging and Storage Prior to Transport**

~~Raw and prepared FOOD items shall be properly stored, prior to transport on the intended sales route, in the following ways:~~

- ~~(A) Any commercially PRE PACKAGED FOOD offered for sale from a MOBILE UNIT, including but not limited to ice cream, soda, potato chips, and candy shall be stored in their original packaging prior to and during transport in the MOBILE UNIT.~~
- ~~(B) Prepared FOOD to be offered for individual sale at self-service MOBILE UNITS, including but not limited to sandwiches, fresh cookies, bagels, or donuts shall be individually wrapped in FOOD-GRADE plastic wrap, aluminum foil, butcher paper, or other appropriate FOOD container. This does not include intact raw fruits or vegetables.

 - ~~(1) Prepared READY TO EAT FOOD, which is individually wrapped for sale, shall be labeled with a listing of ingredients and the location of the FOOD ESTABLISHMENT or COMMISSARY where the FOOD was prepared.~~
 - ~~(2) READY TO EAT, PHF (TCS) shall be labeled and dated as required by Chapter 3-501.17 of these Regulations.~~
 - ~~(3) No FOOD, once placed and offered for sale on a MOBILE UNIT, shall be re-wrapped or re-dated.~~~~
- ~~(C) FOOD sold from a FULL SERVICE MOBILE UNIT shall be containerized or otherwise PACKAGED to prevent CROSS-CONTAMINATION or damage during transport.~~
- ~~(D) FOOD items, which will be loaded on the MOBILE UNIT for transport, shall be stored at the COMMISSARY in a manner that will protect the FOOD from CONTAMINATION.~~

~~10-303~~ **FOOD Storage and Transportation**

~~10-303.11~~ **EQUIPMENT**

- ~~(A) All cold holding EQUIPMENT shall be capable of maintaining refrigerated FOOD at 41°F±2° or below during storage, transport, and service. All FROZEN FOOD shall remain frozen solid. These units shall have thermometers installed in a visible location. At least 1 of the thermometers shall be integral with the EQUIPMENT.~~
- ~~(B) All hot holding EQUIPMENT shall be capable of maintaining FOOD at 135°F±2° or above during storage, transport, and service.~~
- ~~(C) All EQUIPMENT shall be properly maintained, operated, and kept in good condition. Any EQUIPMENT that becomes dysfunctional or in disrepair shall be removed from service immediately or otherwise replaced. The introduction of domestic EQUIPMENT is prohibited.~~

~~10-303.12~~ **Storage and Transportation**

- ~~(A) All FOOD and SINGLE SERVICE ARTICLES or SINGLE USE ARTICLES shall be stored at least 6" above the floor or ground in cabinets, on shelves, or in containers during storage, transportation, and service.~~

- ~~(B) — Storage of PACKAGED FOOD in contact with water or un-drained ice is prohibited.~~
- ~~(C) — Direct contact of FOOD with cloth towels is prohibited.~~
- ~~(D) — No FOOD, SINGLE SERVICE ARTICLES or SINGLE USE ARTICLES shall be stored under sinks or plumbing connections.~~

~~(E) Chemicals shall be stored separate from FOOD, SINGLE SERVICE ARTICLES or SINGLE USE ARTICLES, and FOOD-CONTACT SURFACES.~~

~~(F) FOOD shall be loaded in a manner that prevents excessive shifting within the MOBILE UNIT.~~

~~(G) The driver shall ensure that the FOOD is not left unattended where tampering may occur.~~

~~(H) Except when associated with a special event, the MOBILE UNIT shall be readily movable at all times. Additional PERMITting is required if the operation expands outside of the MOBILE UNIT.~~

~~(I) When the MOBILE UNIT is in transit, all windows and doors shall be closed, and all FOOD, SINGLE SERVICE ARTICLES AND SINGLE USE ARTICLES shall be protected from CONTAMINATION.~~

~~(J) SINGLE SERVICE ARTICLES and SINGLE USE ARTICLES, CONDIMENTS, UTENSILS, and TABLEWARE shall be placed in clean containers to protect from CONTAMINATION during storage and transport.~~

10-303.13 Storage and Transportation Temperature Requirements

~~(A) Immediately prior to loading PHF (TCS) into the MOBILE UNIT, the temperatures shall be taken and recorded.~~

~~(1) Cold PHF (TCS) shall be 41°F±2° or below when placed into the MOBILE UNIT's refrigeration or cold holding.~~

~~(2) Hot PHF (TCS) shall be 135°F±2° or above when placed into the MOBILE UNIT's hot holding.~~

~~(3) Perishable and shelf stable FOOD may be stored at ambient temperature in a MOBILE UNIT that has working environmental controls.~~

~~(B) FOOD temperatures of PHF (TCS) shall be taken and recorded at least every two hours. PHF (TCS), not maintained at required temperatures shall be discarded after four hours.~~

~~(C) FOOD found out of temperature may be rapidly reheated to 165°F±2° or cooled to 41°F±2° only once.~~

~~(D) FROZEN FOOD that has been thawed shall not be refrozen.~~

10-304 FOOD Preparation, Holding, Display, and Service

~~All FOOD preparation, holding, display, and service shall be in exhibiting a history of uncontrolled risk factors for foodborne illness and non-compliance with Chapters 1-8 of these Regulations these regulations may enter the administrative process for non-compliance.~~

10-304.11 Operational RESTRICTIONS

~~(A) Except when operating at a special event, a MOBILE UNIT shall not operate from any single location for more than half an hour.~~

~~(B) A MOBILE UNIT may not operate later than 7:00 p.m. or half an hour after sunset, whichever occurs first, unless they are at a special event.~~

~~(C) A MOBILE UNIT may not sell products on a street where the posted speed limit is above 25 mph.~~

~~(D) A MOBILE UNIT may not operate within 250' of another vendor.~~

~~(E) A MOBILE UNIT may not operate within 1,000' of a school less than one hour after the school's dismissal time.~~

~~(F) A MOBILE UNIT may not play music when parked.~~

10-304.12 PERSON IN CHARGE

~~The PERSON IN CHARGE or a designated FOOD HANDLER shall be in attendance at all times when the MOBILE UNIT is open for business.~~

10-304.13 FOOD Preparation

~~During special events, preparations including grilling, barbecuing, cooking, displaying, serving, and storage may occur outside of the MOBILE UNIT if the PERSON IN CHARGE obtains, prior to operating, a temporary FOOD facility PERMIT from the HEALTH AUTHORITY.~~

10-304.14 Preparation of Raw POTENTIALLY HAZARDOUS FOOD (TCS)

~~Preparation of raw PHF (TCS) is limited to FULL SERVICE COACHES as APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION. No FOOD preparation may be conducted on limited service novelty MOBILE UNITS or CONSUMER self-service MOBILE UNITS.~~

10-304.15 Open Prepared FOOD

~~Open prepared FOOD in the MOBILE UNIT shall be discarded at the end of the shift or the day. Only SINGLE USE ARTICLES and PRE PACKAGED, non PHF (TCS) may be returned to the COMMISSARY.~~

10-304.16 Display

~~While on display FOOD offered for self-service to the CONSUMER shall be protected from CONTAMINATION.~~

10-304.17 FOOD Service Temperatures

~~(A) PHF (TCS) shall be maintained at required temperatures, as specified in Chapters 3-4 and Chapter 3-501.19 of these Regulations, until served to the CONSUMERS.~~

~~(B) — The PERSON IN CHARGE shall ensure that all hot and cold holding EQUIPMENT continues to function as designed during the FOOD service period.~~

~~10-304.18 — Bare Hand Contact with READY TO EAT FOOD~~

~~Except when washing fruits and vegetables, FOOD HANDLERS shall eliminate bare hand contact with READY TO EAT FOOD by:~~

- ~~(A) Using suitable UTENSILS including but not limited to deli tissue, spatulas, tongs, single use gloves, or dispensing EQUIPMENT.~~
- ~~(B) Providing an alternative operational procedure APPROVED by the HEALTH AUTHORITY. A guidance document is provided in Appendix K.~~

~~**10-304.19 EQUIPMENT and UTENSILS**~~

- ~~(A) There shall be an adequate number of UTENSILS present so that any dropped or soiled UTENSILS can be readily replaced.~~
- ~~(B) Cleaned and sanitized back up UTENSIL supplies shall be stored in SEALED FOOD-GRADE plastic storage bags or containers.~~
- ~~(C) Use of glassware in MOBILE UNITS is prohibited.~~
- ~~(D) MOBILE UNITS shall provide only SINGLE-USE ARTICLES and SINGLE-SERVICE ARTICLES or CONDIMENTS for use by CONSUMERS.~~

~~**10-401 General Requirements**~~

~~**10-401.11 MOBILE UNIT**~~

~~The MOBILE UNIT shall be kept clean. It shall be free of REFUSE, insects, excessive FOOD debris or spills beyond an amount generated during the preparation of meals for one meal period, or any other items that may contaminate the FOOD items or transportation EQUIPMENT.~~

~~**10-401.12 Wiping Cloths**~~

~~Wiping cloths immersed in sanitizer solution shall be available for wiping down FOOD contact services.~~

~~**10-401.13 Disposition of FOOD at End of Serving Route**~~

- ~~(A) Any PRE PACKAGED or unprepared FOOD items that remained in cold holding at the correct temperature for the entire duration of the day may be retained.~~
- ~~(B) Any NON POTENTIALLY HAZARDOUS PRE PACKAGED SINGLE USE ARTICLES, including but not limited to cans or bottles of soda, individually apportioned CONDIMENTS, and similar items may be retained for re-use.~~

~~**10-402 EQUIPMENT and UTENSILS**~~

~~**10-402.11 Requirements**~~

- ~~(A) Excessive FOOD debris shall be removed from soiled EQUIPMENT and UTENSILS prior to transport to the COMMISSARY.~~
- ~~(B) Soiled UTENSILS shall be segregated from FOOD, FOOD CONTACT SURFACES, clean UTENSILS, and SINGLE-SERVICE ARTICLES.~~
- ~~(C) In a FULL SERVICE COACH, soiled UTENSILS may be washed, rinsed, sanitized, and air dried using the available three compartment sink.~~

~~**10-403 Packing for Transport**~~

~~**10-403.11 Soiled Items**~~

~~Soiled items shall be properly packed to segregate from clean, reusable items.~~

~~**10-403.12 Solid Waste**~~

~~Solid waste generated during the daily operation shall be maintained in an appropriate area within the MOBILE UNIT so that it does not contaminate FOOD, SINGLE-SERVICE ARTICLES, SINGLE-USE ARTICLES, or UTENSILS.~~

~~**10-403.13 PERSON IN CHARGE**~~

~~The PERSON IN CHARGE shall ensure that the solid waste generated at each site is properly contained so as not to create a nuisance.~~

~~**10-404 Transportation of Items to the COMMISSARY or SERVICING DEPOT**~~

~~**10-404.11 Monitoring**~~

~~The driver shall monitor the load, while en-route to the COMMISSARY or SERVICING DEPOT, to ensure that the contents within the MOBILE UNIT do not shift.~~

10-501 General Requirements

10-501.11 Servicing

- (A) When in operation all MOBILE UNITS shall report to their respective COMMISSARY or SERVICING DEPOT on a daily basis for cleaning, sanitizing, and servicing.
- (B) While the MOBILE UNIT is being cleaned and serviced, reusable items shall be removed and stored separately.
- (C) Soiled UTENSILS shall be transferred to the WARE WASHING area for cleaning and sanitizing in accordance with Chapter 4-4 of these Regulations. UTENSILS shall be air dried prior to storage in the MOBILE UNIT.
- (D) Soiled LINEN shall be placed in appropriate containers for transport to a laundry or to a LINEN service. LAUNDERING of wiping cloths shall be performed in accordance with Chapter 4-5 of these Regulations.
- (E) All solid waste generated during operation of the MOBILE UNIT, and clean up at the COMMISSARY or SERVICING DEPOT, shall be properly disposed in an APPROVED solid waste receptacle. The solid waste receptacles shall be picked up with a frequency to prevent accumulation of putrescible garbage and other wastes to prevent a nuisance.

10-502 Plumbing Requirements

10-502.11 SANITIZATION and Disposal

- (A) All pumps and hoses, from the tank which supplies DRINKING WATER, shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods during which they were not used. All water sources shall have proper backflow protection.
- (B) Liquid waste shall be disposed into a sanitary sewer through an APPROVED grease trap or grease interceptor. No waste water is allowed to be disposed in the storm drain or onto asphalt or other areas around the COMMISSARY or SERVICING DEPOT. The tank shall then be flushed and drained into a sanitary sewer.

10-601 FOOD HANDLER Health

10-601.11 Reporting

The PERSON IN CHARGE shall report information about employee health and activities as they relate to symptoms of an illness that are transmissible through FOOD as required by Chapter 2 of these Regulations.

10-602 FOOD HANDLER HEALTH CARDS

10-602.11 Requirements

All FOOD HANDLERS shall possess a valid FOOD HANDLER HEALTH CARD issued by the HEALTH AUTHORITY.

- (A) Additional conditions may be placed upon the permit.

Failure to have a valid FOOD HANDLER HEALTH CARD shall result in gain control of risk factors for foodborne illness at the facility can lead to further administrative actions up to and including suspension of operations of the MOBILE UNIT.

10-603 PERSONAL Cleanliness

10-603.11 Hand Washing

The PERSON IN CHARGE shall ensure that all FOOD HANDLERS wash their hands as required by Chapter 2-301.12 of these Regulations and:

- (A) Before starting, and after ending, their shifts.
- (B) After using the toilet.
- (C) After smoking, eating, or drinking.
- (D) After handling raw FOOD.
- (E) Before and after loading and unloading FOOD and FOOD service EQUIPMENT.

- ~~(F) Before and after setting up FOOD service displays.~~
- ~~(G) Before serving FOOD.~~
- ~~(H) After retrieving soiled items in the clean up before departure process.~~
- ~~(I) Before any contact with FOOD, FOOD service EQUIPMENT, or other items.~~
- ~~(J) After any other activity in which their hands become soiled or otherwise contaminated as specified in Chapter 2 of these Regulations.~~

10-603.12 Fingernails

- ~~(A) FOOD HANDLERS shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are clean and not rough.~~
- ~~(B) Unless wearing intact gloves in good repair, a FOOD HANDLER may not wear fingernail polish or artificial fingernails when working with exposed FOOD.~~

10-603.13 Jewelry Prohibition

~~Except for a plain ring, including but not limited permit to a wedding band, FOOD HANDLERS shall not wear jewelry, including medical information bracelets, on their arms and hands while preparing FOOD.~~

10-603.14 Outer Clothing

~~FOOD HANDLERS shall wear clean outer clothing to prevent CONTAMINATION of FOOD, EQUIPMENT, UTENSILS, LINEN, SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.~~

10-604 Hygienic Practices

10-604.11 Hair Restraint

~~FOOD HANDLERS who prepare or serve FOOD shall restrain their hair as specified in Chapter 2 402.11 of these Regulations.~~

10-604.12 Tobacco Use

~~FOOD HANDLERS shall not use tobacco in any form while engaged in preparation and service of FOOD.~~

10-605 PERSONnel

10-605.11 RESTRICTIONS

~~Only PERSONs necessary in the preparation and service of FOOD, or the PERSON IN CHARGE of a MOBILE UNIT, shall be allowed inside the MOBILE UNIT.~~

~~—VEHICLE Markings~~

10-701.11 Identification Information

~~The MOBILE UNIT shall have the following identification information on the VEHICLE:~~

- ~~(A) The name and MOBILE UNIT number shall be clearly visible on at least the back, and the left and right sides, of the MOBILE UNIT.~~
- ~~(B) If the MOBILE UNIT design PERMITS, this information shall also be indicated on the front of the MOBILE UNIT.~~
- ~~(C) The lettering shall be in colors that contrast with the paint color of the MOBILE UNIT and be at least 3 high" and 1/2" wide on the back, and left and right sides of the MOBILE UNIT.~~
- ~~(D) The business name, and a unique VEHICLE number assigned by the MOBILE FOOD vendor, shall be on each MOBILE UNIT under the same business name. No other MOBILE UNIT within the responsible PERSON's control may have the same identification number as any other MOBILE UNIT.~~

~~**(A)(B)** No MOBILE UNIT owned by another MOBILE FOOD vendor may have the same business name and identification number chosen by any other MOBILE FOOD vendor. A MOBILE FOOD vendor, found to have deceptively marked MOBILE UNITS, shall be subject to denial or possible operate, pending permit revocation by the HEALTH AUTHORITY of its health PERMIT.~~

10-701.12 VEHICLE License Plate

~~A valid VEHICLE license plate, as~~

8-602 Permit Suspension and Reinstatement

8-602.1 Suspension or Revocation of Permit, Reinstatement of Suspended Permit, Hearings

~~Permits issued by the applicable state's Department of Motor Vehicles, for that particular MOBILE UNIT shall be displayed. No MOBILE UNIT is allowed to display the license plate of another VEHICLE.~~

10-701.13 VEHICLE Identification Number (VIN) of MOBILE UNIT

The VIN of the MOBILE UNIT shall not be obliterated and shall be visible in at least one location including but not limited to the dashboard, interior door jamb, the trunk, or other easily accessible visible area. A comparison of the VIN and license plate number may be performed if deemed necessary by the HEALTH AUTHORITY.

~~— COMMISSARY or SERVICING DEPOT Agreement~~

~~10-702.11 Mobile FOOD Vendor~~

~~A mobile FOOD vendor shall have in place a COMMISSARY or SERVICING DEPOT agreement prior to the issuance of a health PERMIT by the HEALTH AUTHORITY. This agreement shall consist of the following elements:~~

- ~~(A) — The COMMISSARY or SERVICING DEPOT shall be PERMITTED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION. The use of a recreational VEHICLE park, or a private residence, as a COMMISSARY or SERVICING DEPOT is prohibited.~~
- ~~(B) — A written document containing:
 - ~~(1) — The name, address, and phone number of the COMMISSARY or SERVICING DEPOT.~~
 - ~~(2) — The name and signature of the PERSON IN CHARGE at the COMMISSARY or SERVICING DEPOT.~~
 - ~~(3) — The health PERMIT number of the COMMISSARY or SERVICING DEPOT.~~
 - ~~(4) — The services that will be provided to the mobile FOOD vendor at the COMMISSARY or SERVICING DEPOT.~~
 - ~~(5) — A clause that indicates any termination of the agreement, either by the mobile FOOD vendor, the COMMISSARY, or the SERVICING DEPOT must result in written notification to the HEALTH AUTHORITY by one or both parties within five business days of the termination of the agreement.~~~~
- ~~(C) — Any proposed changes of location, or changes to the agreement shall be submitted to, and APPROVED by, the HEALTH AUTHORITY before the proposed changes are made.~~

~~— COMMISSARY or SERVICING DEPOT Visits Log~~

~~10-703.11 Mobile FOOD Vendor~~

~~Each mobile FOOD vendor shall maintain, at the COMMISSARY or SERVICING DEPOT, a Visits Log outlining the following information:~~

- ~~(A) — The business name of the mobile FOOD vendor.~~
- ~~(B) — The unique identifying MOBILE UNIT number, if the mobile FOOD vendor has more than one MOBILE UNIT operating under the same business name.~~
- ~~(C) — The health PERMIT number.~~
- ~~(D) — The business name, address, phone number, and health PERMIT number of the COMMISSARY or SERVICING DEPOT.~~
- ~~(E) — The Visits Log shall include:
 - ~~(1) — Date.~~
 - ~~(2) — Time In.~~
 - ~~(3) — Time Out.~~
 - ~~(4) — The name and signature of the COMMISSARY or SERVICING DEPOT's PERSON IN CHARGE.~~
 - ~~(5) — The name and signature of the mobile FOOD vendor's PERSON IN CHARGE who is bringing the unit in for service.~~~~

~~Route Sheets~~

~~10-704.11 Mobile FOOD Vendor~~

~~The mobile FOOD vendor shall provide to the HEALTH AUTHORITY, on a monthly basis, a route sheet outlining where the MOBILE UNIT will be providing FOOD services and estimated times when the mobile FOOD vendor will arrive and depart each location. The route sheet shall contain the following information:~~

- ~~(A) — The business name, the identifying MOBILE UNIT number, and the health PERMIT number of the MOBILE UNIT.~~
- ~~(B) — A list of the stops, including the physical addresses, that are to be made and the estimated time of arrival at, and departure from, each stop.~~

~~10-704.12 Changes~~

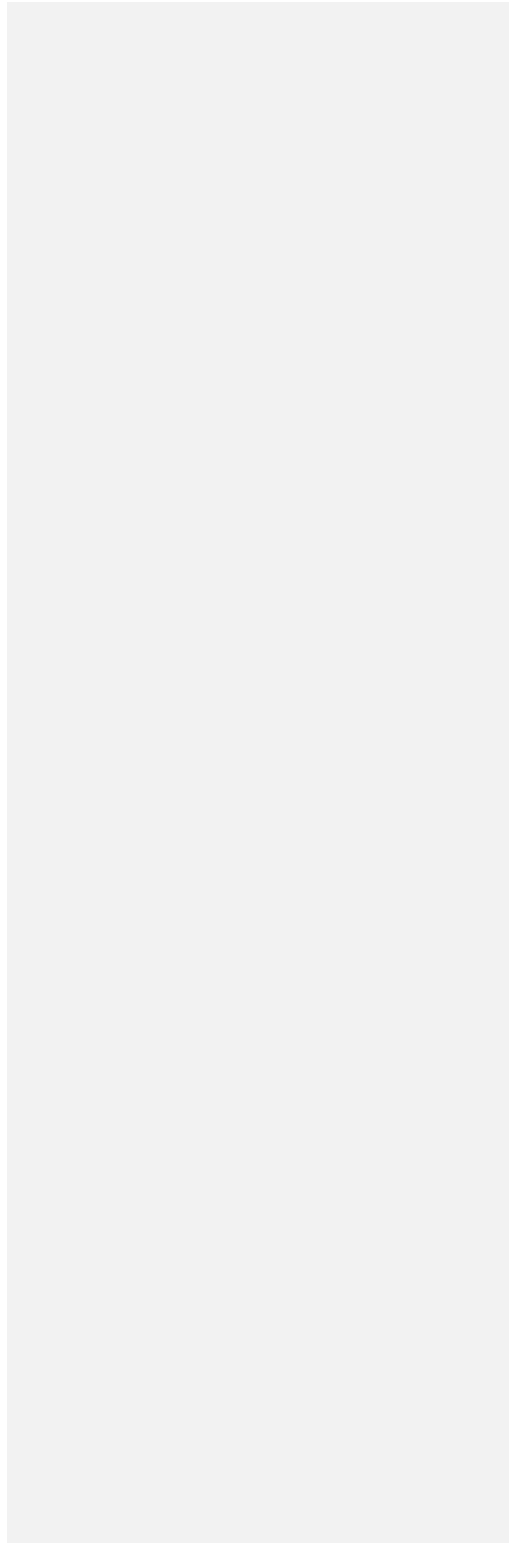
~~Any changes to the route sheet shall be submitted, in writing, to the HEALTH AUTHORITY within 5 business days of the change.~~

~~— Records to be Maintained in the MOBILE UNIT~~

~~10-705.11 Required Documents~~

- ~~(A) — The current health PERMIT for that MOBILE UNIT.~~
- ~~(B) — Copies of past inspection reports for that particular MOBILE UNIT for a period of 2 calendar years.~~

- ~~(C) — The COMMISSARY or SERVICING-DEPOT agreement(s) which apply to that MOBILE UNIT.~~
- ~~(D) — The route sheet for that particular MOBILE UNIT.~~



Other Record Keeping Requirements

The HEALTH AUTHORITY shall be allowed to examine records of the establishment pertinent to provisions of these regulations, obtain pertinent information pertaining to FOOD and supplies purchased, received or used, pest control records, and PERSONS employed may be suspended as specified in NRS 446.890880.

Chapter 11

Portable Units for Service of Food

Parts

~~11-1 Definitions~~

~~11-2 Operational Restrictions~~

~~11-3 Food~~

~~11-4 Design, Construction, and Identification~~

~~11-5 Equipment and Utensils~~

~~11-6 Sanitizers and Other Poisonous or Toxic Substances~~

~~11-7 Compliance and Enforcement~~

~~11-8 Personnel~~

~~11-101 Applicability and Listing of Terms~~

~~11-101.11 Interpretation and Application of Terms~~

The following definitions shall apply in the interpretation and application of this Chapter.

~~11-102 Definitions~~

~~**ACCESSORY UNIT** means an EASILY MOVABLE item, or a permanently mounted fixture, that is utilized adjacent to the operational location of a PORTABLE UNIT FOR SERVICE OF FOOD.~~

~~**FOOD SERVICE TRAILER** means a mobile FOOD ESTABLISHMENT designed to be towed on public roads, and having an enclosed area for storage, handling, or preparation of FOOD. Such units shall be PERMITTED as PORTABLE UNITS FOR SERVICE OF FOOD.~~

~~Permits issued under the category FOOD SERVICE TRAILER:~~

~~**GOLF CART STYLE FOOD UNIT** means a very small, motorized VEHICLE, including golf carts and similar VEHICLES, used to transport and serve FOOD or BEVERAGES at various locations inside large buildings or on large tracts of land including but not limited to golf courses. Such units shall be PERMITTED as PORTABLE UNITS FOR SERVICE OF FOOD under the category GOLF CART STYLE FOOD UNIT, and shall only sell PRE-PACKAGED, non-PHF (TCS) which includes SEALED BEVERAGES, except that PHF ordered from an APPROVED kitchen may be immediately transported to a customer.~~

~~**INDOOR FOOD SERVICE CART** means a PORTABLE UNIT FOR SERVICE OF FOOD operated only at locations clearly identified in the PERMIT application, and shall be within a building having restroom facilities that are accessible during all hours of operation. INDOOR FOOD SERVICE CARTS may serve only LOW RISK FOOD, individually PRE-PACKAGED PHF (TCS), or hot dogs which are heated to at least 135°F±2° and held at no less than 135°F±2° until served.~~

~~**NON-POTENTIALLY HAZARDOUS FOOD (TCS)** means FOOD that is incapable of supporting the rapid and progressive growth of infectious, toxigenic, or other harmful microorganisms. Examples include but are not limited to bread, roasted nuts, beef jerky, candy, potato chips, popcorn, and other snack FOOD not requiring refrigerated storage.~~

~~**OUTDOOR/INDOOR FOOD SERVICE CART** means a PORTABLE UNIT FOR SERVICE OF FOOD operated only at locations clearly identified in the PERMIT application. An OUTDOOR/INDOOR FOOD SERVICE CART may be operated inside or outside of buildings and shall have restroom facilities that are accessible during all hours of operation. OUTDOOR/INDOOR FOOD SERVICE CARTS may serve only non-PHF (TCS) FOOD and/or hot dogs which are heated to at least 135°F±2° and held at no less than 135°F±2° until served.~~

~~**PORTABLE BANQUET BAR** means a PORTABLE UNIT FOR SERVICE OF FOOD that serves only BEVERAGES and drink garnishes.~~

~~**PORTABLE UNIT FOR SERVICE OF FOOD** means a FOOD ESTABLISHMENT on wheels, easily conveyed from a SERVICING DEPOT or COMMISSARY to one or more APPROVED locations where FOOD is served, and clearly identified in the PERMIT application.~~

11-201 Interpretation and Application

11-201.11 RESTRICTIONS

The following operational RESTRICTIONS apply in the interpretation and application of this chapter.

- (A) ~~Comply with all applicable zoning, building, fire, and safety regulations of all entities having jurisdiction in the areas where it travels, is stored, or is operated.~~
- (B) ~~PORTABLE UNIT FOR SERVICE OF FOOD~~
- (1) ~~A PORTABLE UNIT FOR SERVICE OF FOOD shall:~~
- (a) ~~Operate only on sites for which written approval from the property owner has been obtained.~~
- (b) ~~Operate only at sites specified in a PERMIT issued by the HEALTH AUTHORITY.~~
- (c) ~~Have written permission from the property owner for use of restroom facilities that are accessible during all hours of operation.~~
- (d) ~~Have a PERMIT in one of the following categories:~~
- (i) ~~INDOOR FOOD SERVICE CART.~~
- (ii) ~~OUTDOOR/INDOOR FOOD SERVICE CART.~~
- (iii) ~~FOOD SERVICE TRAILER.~~
- (iv) ~~GOLF CART STYLE FOOD UNIT.~~
- (v) ~~PORTABLE BANQUET BAR.~~
- (2) ~~A PORTABLE UNIT FOR SERVICE OF FOOD shall be operated only with the support of at least one APPROVED:~~
- (a) ~~SERVICING DEPOT, or~~
- (b) ~~COMMISSARY, or~~
- (c) ~~PERMITTED support kitchen.~~
- (3) ~~A PORTABLE UNIT FOR SERVICE OF FOOD may be operated with the support of up to three APPROVED ACCESSORY UNITS.~~
- (C) ~~ACCESSORY UNITS~~
- (1) ~~Types of ACCESSORY UNITS to support the operation of a PORTABLE UNIT FOR SERVICE OF FOOD include, but are not limited to:~~
- (a) ~~CONDIMENT stations, providing PRE PACKAGED items including but not limited to salt, pepper, mustard, ketchup, relish, sugar or other sweeteners, or ULTRA PASTEURIZED (UHT) half and half, or other coffee whiteners.~~
- (b) ~~Portable or wall hung HAND WASHING SINKS which provide warm water and are on walls adjacent to the unit's site of operation.~~
- (c) ~~EASILY MOVABLE tables or shelves for storage of supplies or PRE PACKAGED non-PHF (TCS) items.~~
- (d) ~~Portable refrigeration or hot holding EQUIPMENT.~~
- (e) ~~Units for cash registers or other non FOOD EQUIPMENT.~~
- (2) ~~An individual ACCESSORY UNIT shall be no larger, in length or width, than the PORTABLE UNIT FOR SERVICE OF FOOD it supports.~~
- (3) ~~During FOOD service operations, no ACCESSORY UNIT may be located more than 15' from the PORTABLE UNIT FOR SERVICE OF FOOD it supports.~~
- (4) ~~No ACCESSORY UNIT may be incorporated into the operation of a PORTABLE UNIT FOR SERVICE OF FOOD without prior approval by the HEALTH AUTHORITY.~~
- (D) ~~COMMISSARY~~
- A ~~COMMISSARY~~ for a PORTABLE UNIT FOR SERVICE OF FOOD:
- (1) ~~Shall operate only under a PERMIT issued by the HEALTH AUTHORITY. That PERMIT shall be issued to:~~
- (a) ~~The PERMIT HOLDER for a PORTABLE UNIT FOR SERVICE OF FOOD who has sole rights, by ownership or contract, to utilize the COMMISSARY.~~
- (b) ~~An independent COMMISSARY owner/operator who contracts with more than one PORTABLE UNIT PERMIT HOLDER~~
- (2) ~~Shall be utilized for storage or preparation of FOOD, which has been APPROVED by the HEALTH AUTHORITY, for sale or service from the PORTABLE UNIT FOR SERVICE OF FOOD.~~

- ~~(3) — May be utilized for cleaning, disposal of waste, and supplying water for HAND WASHING SINKS of a PORTABLE UNIT FOR SERVICE OF FOOD.~~
- ~~(4) — Shall be designed, constructed, and equipped as required by Plan Review to accommodate all operations that will be necessary to support the PORTABLE UNIT FOR SERVICE OF FOOD.~~
- ~~(5) — The COMMISSARY for each PORTABLE UNIT FOR SERVICE OF FOOD shall be identified in the PERMIT application.~~

~~(E) — SERVICING DEPOT~~

~~A SERVICING DEPOT for a PORTABLE UNIT FOR SERVICE OF FOOD:~~

- ~~(1) — Shall operate only under a PERMIT issued by the HEALTH AUTHORITY. That PERMIT shall be issued to:

 - ~~(a) — The PERMIT HOLDER for a PORTABLE UNIT FOR SERVICE OF FOOD who has sole rights, by ownership or contract, to utilize the SERVICING DEPOT.~~
 - ~~(b) — An independent SERVICING DEPOT owner/operator who contracts with more than one portable unit PERMIT HOLDER.~~~~
- ~~(2) — May be utilized for cleaning, disposal of waste, and supplying water for HAND WASHING SINKS of a PORTABLE UNIT FOR SERVICE OF FOOD.~~
- ~~(3) — Shall not be used for storage or preparation of FOOD or BEVERAGES.~~
- ~~(4) — Shall be designed, constructed, and equipped as required by Plan Review to accommodate all operations that will be necessary to support the PORTABLE UNIT FOR SERVICE OF FOOD.~~
- ~~(5) — The SERVICING DEPOT of each PORTABLE UNIT FOR SERVICE OF FOOD shall be identified in the PERMIT application.~~

~~(F) — PORTABLE UNITS FOR SERVICE OF FOOD on pool decks shall also meet the requirements of MAC 444.288. The following requirements shall be met for all operations on pool decks and within pool barriers:~~

- ~~(1) — No glass or breakable items shall be allowed except that glass liquor and mixer bottles under the control of a FOOD HANDLER are acceptable.~~
- ~~(2) — Bar/FOOD units shall be located remotely from the edge of the pool on the raised rear deck area if available.~~
- ~~(3) — Work stations shall not obstruct access to the pool deck, or to necessary fixtures, including but not limited to showers and water fountains.~~
- ~~(4) — Work stations shall not be placed in any location where there is standing water.~~
- ~~(5) — Work stations shall be broken down, covered, protected, and stored when not in use.~~
- ~~(6) — All electrical connections for work stations shall be GFCI protected and testable, and temporary electrical runs shall not pass across walkways used by bathers or in wet areas such as deck drains.~~
- ~~(7) — An operational plan shall be completed and shall address all of the above including a statement that management will not permit FOOD or drink to be consumed within 4' of any pool or spa.~~

Food

ts

- 11-301 Food Service**
- 11-302 Food Protection**
- 11-303 Food Handling and Preparation**

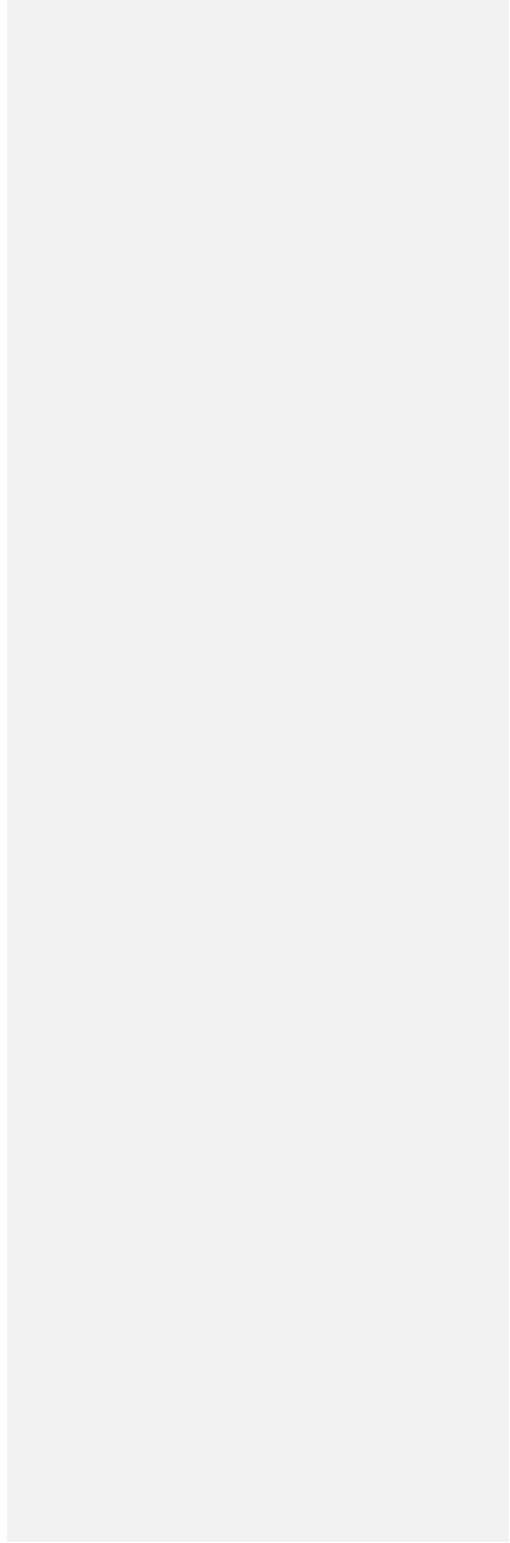
~~11-301 — FOOD Service~~

~~11-301.11 Menu RESTRICTIONS by Type of Unit~~

~~A PORTABLE UNIT FOR SERVICE OF FOOD may be used to serve only FOOD items that have been APPROVED by the HEALTH AUTHORITY or AGENCY OF JURISDICTION. Menu items which may be served from a PORTABLE UNIT FOR SERVICE OF FOOD shall be regulated as follows:~~

- ~~(A) — Any type of PORTABLE UNIT FOR SERVICE OF FOOD may serve PRE-PACKAGED non-PHF (TCS) BEVERAGE, including alcoholic BEVERAGES.~~
- ~~(B) — PORTABLE BANQUET BARS may only serve BEVERAGES and drink garnishes.~~
- ~~(C) — Any type of PORTABLE UNIT FOR SERVICE OF FOOD, except PORTABLE BANQUET BARS, may serve PRE-PACKAGED non-PHF (TCS).~~
- ~~(D) — GOLF CART STYLE FOOD UNITS may serve only PRE-PACKAGED non-PHF (TCS) and if designed, constructed, and APPROVED by the HEALTH AUTHORITY to do so, PRE-PACKAGED LOW-RISK FOOD that is either commercially PACKAGED, or prepared and wrapped, in the FOOD unit's APPROVED COMMISSARY.~~

~~(E) — INDOOR and OUTDOOR/INDOOR FOOD SERVICE CARTS may serve any non PHF (TCS) and, if designed, constructed, and APPROVED by the HEALTH AUTHORITY to do so, serve LOW RISK FOOD. These FOODs~~



need not be PRE-PACKAGED but shall require only minimal handling at the cart. Heating procedures not traditionally classified as cooking are allowed, including:

- (1) Heating of hot dogs, to at least 135°F±2° and subsequent hot holding until serving at a temperature of at least 135°F±2°.
 - (2) Steaming of PASTEURIZED milk or similar fluid dairy products for immediate use in the preparation of espresso-type BEVERAGES.
 - (3) Warming of non-PHF (TCS) or LOW-RISK FOOD by use of a microwave oven.
 - (4) EQUIPMENT intended or capable of cooking FOOD including but not limited to, burners, griddle tops, grill tops, BARBECUE grills, and deep-fat fryers shall not be present on indoor and OUTDOOR/INDOOR, or outdoor FOOD service carts.
- (F) FOOD SERVICE TRAILERS may serve any type of FOOD including HIGH-RISK PHF (TCS) for which they have been designed, constructed, and APPROVED by the HEALTH AUTHORITY. Raw or undercooked PHF (TCS) may be served only if an APPROVED FOOD safety advisory is properly posted.

~~11-302~~ **FOOD Protection**

~~11-302.11~~ **Requirements**

~~A~~ PORTABLE UNIT FOR SERVICE OF FOOD, and its APPROVED ACCESSORY UNITS, shall protect all FOOD from:

- (A) Airborne contaminants by the use of appropriate sneeze guards, overhead protection, closed or wrapped containers, or EQUIPMENT meeting or exceeding NSF/ANSI standards.
- (B) Excessive growth of pathogenic microorganisms by storage of PHF (TCS) at 41°F±2° or below, or in hot holding EQUIPMENT at 135°F±2° or above.
- (C) CONTAMINATION from insects, rodents, birds, and other pests by employing effective and legal PEST-CONTROL measures.

~~11-303~~ **FOOD Handling and Preparation**

~~11-303.11~~ **Requirements**

~~F~~OOD to be sold or served at a PORTABLE UNIT FOR SERVICE OF FOOD shall:

- (A) Be handled, including storage and preparation at an ACCESSORY UNIT or COMMISSARY, in compliance with requirements in Chapter 3 provisions of these regulations.
- (B) Be RESTRICTED as follows:
 - (1) PORTABLE BANQUET BARS
 - (a) May serve only BEVERAGES and drink garnishes including but not limited to lemons, limes, and other garnishes.
 - (b) Must operate in conjunction with a banquet or private function.
 - (c) Must operate in proximity of a wall-hung HAND-WASHING SINK or an APPROVED portable HAND-WASHING SINK, unless a HAND-WASHING SINK is an integral part of the PORTABLE BANQUET BAR.
 - (2) GOLF-CART STYLE FOOD UNITS. Only SEALED NON-POTENTIALLY HAZARDOUS BEVERAGES and PRE-PACKAGED non-PHF (TCS) may be sold from GOLF-CART STYLE FOOD UNITS. PHF (TCS) ordered from an APPROVED kitchen may be immediately transported to a customer.
 - (3) INDOOR and OUTDOOR/INDOOR FOOD SERVICE CARTS. No HIGH-RISK FOODS may be cooked or served.
 - (4) FOOD SERVICE TRAILERS. Any FOOD may be served, if the facility has been designed, constructed, and APPROVED suspended temporarily by the Health Authority for the FOOD's storage, preparation, and service. Raw or undercooked PHF (TCS) may be served only if an APPROVED FOOD safety advisory is properly posted.

1 Design, Construction, and

**Design, Construction, and
Identification General
Design and Construction
Materials**

**Subparts
11-401**

Design, Construction, and Identification

~~11-401.11 Application Submission and Requirements~~

- (A) A PERMIT applicant or PERMIT HOLDER shall submit to the HEALTH AUTHORITY properly prepared plans and specifications for review and approval of all PORTABLE UNITS FOR THE SERVICE OF FOOD as required in Chapter 4-101.11 failure of the permit holder to comply with the requirements of these regulations. In addition, PORTABLE UNITS FOR SERVICE OF FOOD shall be designed and constructed as follows:
- (A) A FOOD SERVICE TRAILER shall be designed and constructed to conform to the interior specifications for MOBILE VENDORS as specified in Chapter 10 of these Regulations, and:
- (1) Operate only on sites for which written approval from the property owners has been obtained.
 - (2) Has written permission from the property owner for use of restroom facilities that are accessible during all hours of operation.
- (B) A PORTABLE BANQUET BAR shall be designed and constructed to meet or exceed the specifications of NSF/ANSI Standard 2, as well as the criteria listed in this Section.
- (C) A PORTABLE UNIT FOR SERVICE OF FOOD, except a FOOD SERVICE TRAILER and a PORTABLE BANQUET BAR, shall be designed and constructed to meet or exceed the specifications of NSF/ANSI Standard 59 for Mobile Food Carts, as well as the criteria listed in this Section.

~~General Design and Construction 11-402.11 Requirements~~

A PORTABLE UNIT FOR SERVICE OF FOOD shall be designed and constructed to:

- (A) Prevent entry by rodents and other vermin.
- (B) EXCLUDE dirt, splashes, and spills from areas used to store FOOD, UTENSILS, FOOD CONTACT EQUIPMENT, or LINEN.
- (C) Facilitate servicing operations, including cleaning and inspections.
- (D) Minimize the potential for CROSS-CONTAMINATION.
- (E) Provide convenient facilities for hand washing and disposal of wastes.

Materials

~~11-403.11 Requirements~~

Materials used in construction of a PORTABLE UNIT FOR SERVICE OF FOOD shall meet or exceed the following criteria:

- (A) Materials used in construction of a PORTABLE UNIT FOR SERVICE OF FOOD shall be resistant to wear, penetration by rodents and other vermin, and repeated application of cleaning agents and sanitizers.
- (B) Materials used in a FOOD ZONE of a PORTABLE UNIT FOR SERVICE OF FOOD shall not impart color, taste, odor, or toxic chemicals to FOOD.
- (C) Exposed surfaces, in a FOOD ZONE or a SPLASH ZONE of a PORTABLE UNIT FOR SERVICE OF FOOD, shall be SMOOTH, EASILY CLEANABLE, resistant to corrosion, and free from harmful levels of toxic chemicals including but not limited to lead.
- (D) The inside surfaces of drawers, cabinets, or containers, that may be used for storage for UTENSILS used for FOOD preparation or serving, shall be SMOOTH, EASILY CLEANABLE, and resistant to corrosion.
- (E) Exposed surfaces in a non-FOOD ZONE shall be SMOOTH and corrosion resistant.
- (F) Wood shall not be used in a PORTABLE UNIT FOR SERVICE OF FOOD, except that:
 - (1) Hardwood cutting boards or other APPROVED hardwood UTENSILS may be used for FOOD preparation or serving.
 - (2) Wooden construction materials, including composites, but not limited to particle board, shall not be used:
 - (a) For construction of units to be stored or used outdoors.
 - (b) Adjacent to, or below, a FOOD CONTACT SURFACE or SPLASH ZONE.
 - (c) Under a sink, ice bin, BEVERAGE dispenser, refrigeration EQUIPMENT, heating EQUIPMENT or in any other area that may be exposed to accumulation of moisture.
 - (3) Wooden construction materials may be used for units that will be stored and used only in indoor locations, if the wooden materials are completely encased by a SMOOTH and durable material such as plastic laminate or FRP, with SEALED seams and radiused internal angle treatments.
 - (4) Decorative or ornamental wooden structures may be used in non-FOOD ZONE areas, including overhead signs, if the wood is SEALED to prevent damage from exposure to humidity or moisture.

- (G) ~~Brass shall not be used in a PORTABLE UNIT FOR SERVICE OF FOOD except for valves, fittings, and other similar components used only for water, coffee, or tea.~~

Identification and Display of Required Documents

11-404.11 Identification Plate, PERMIT, and Grade Card Placement

~~A PORTABLE UNIT FOR SERVICE OF FOOD APPROVED after the adoption of these Regulations shall:~~

- (A) ~~Have an identification plate(s), or other durable marking, permanently affixed in a location that is readily accessible for inspection, which includes:
 - (1) ~~The name and address of the cart's manufacturer;~~
 - (2) ~~The manufacturer's model and serial numbers; and,~~
 - (3) ~~The specific NSF/ANSI standards that the unit is certified as being in compliance with, unless such information is provided elsewhere on the unit.~~~~
- (B) ~~Display the Grade Card, issued by the HEALTH AUTHORITY, where it is readily visible to customers.~~
- (C) ~~Carts designated to be PERMITTED as an outdoor FOOD service cart must be certified to meet NSF/ANSI Standard 59.~~
- (D) ~~Carts designated to be PERMITTED as an INDOOR FOOD SERVICE CART must be certified to meet NSF/ANSI Standard 2.~~

Miscellaneous Design and Construction Criteria 11-405.11

Lighting and Ground Cover Requirements

~~A PORTABLE UNIT FOR SERVICE OF FOOD shall:~~

- (A) ~~Provide all FOOD preparation areas, including those in a COMMISSARY, with a lighting intensity of at least 50 foot candles.~~
- (B) ~~Provide overhead protection, as APPROVED by the HEALTH AUTHORITY, for outdoor operation.~~
- (C) ~~Provide appropriate ground cover to minimize dust, sand, or other possible CONTAMINATION from the ground.~~

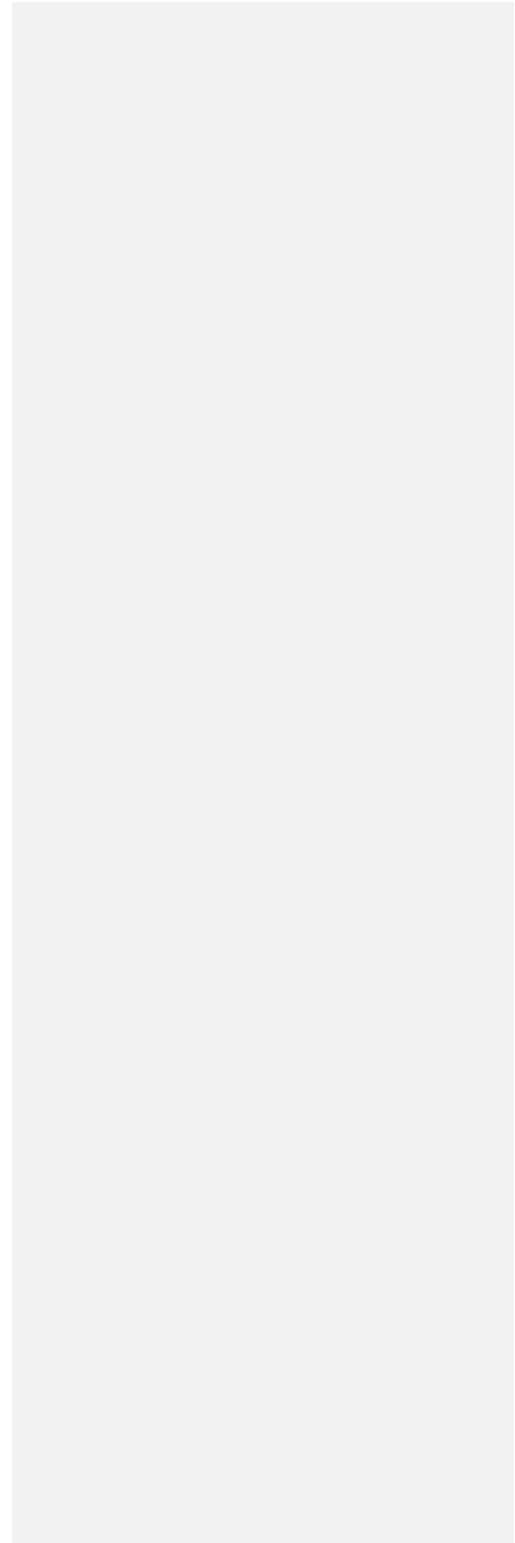
Sinks, Water Systems, and Waste Water Handling 11-406.11

Requirements

~~A PORTABLE UNIT FOR SERVICE OF FOOD shall meet or exceed the following design, construction, and operational criteria:~~

- (A) ~~The portable unit shall be equipped to provide hot water at a temperature of at least 120°F±2° with a minimum of 100°F±2° delivery to the HAND WASHING SINK. Sinks shall be provided as follows:
 - (1) ~~A HAND WASHING SINK is required for any PORTABLE UNIT FOR SERVICE OF FOOD at which open FOOD, including BEVERAGES, is handled. A HAND WASHING SINK shall:
 - (a) ~~Be at least 10" x 10" at the water line, with a minimum depth of 8".~~
 - (b) ~~Drain to a waste water storage tank, except that INDOOR FOOD SERVICE CARTS may drain with the approval of the HEALTH AUTHORITY, into the sanitary sewer.~~~~
 - (2) ~~A sink for FOOD preparation and disposal of liquid waste is required for any PORTABLE UNIT FOR SERVICE OF FOOD at which liquid waste is generated. A sink for disposal of liquid waste shall:
 - (a) ~~Be at least 6" x 10" at the water line, with a minimum depth of 8".~~
 - (b) ~~Have a faucet designed to accommodate the rinsing and filling needs of the operation.~~
 - (c) ~~Drain to a waste water storage tank, except that INDOOR FOOD SERVICE CARTS may indirectly drain through an APPROVED sanitary SEWAGE system or other APPROVED system.~~~~~~
- (B) ~~A supply of DRINKING WATER shall be present on any PORTABLE UNIT FOR SERVICE OF FOOD where water is required for FOOD preparation or hand washing. A potable water storage tank shall have at least a 5-gallon capacity, except that a FOOD SERVICE TRAILER that is equipped with a three-compartment sink shall have a DRINKING WATER storage tank of at least 50 gallons capacity, or be connected to an APPROVED DRINKING WATER supply system when set up for operation.~~
- (C) ~~A DRINKING WATER quality water storage tank shall:
 - (1) ~~Have an interior surface that is SMOOTH, EASILY CLEANABLE, and composed of a FOOD-GRADE material.~~
 - (2) ~~Have a fill connection, located at the highest point on the tank, which is protected from CONTAMINATION and is designed to prevent connection to non-potable water supplies.~~
 - (3) ~~Have an air gap or device APPROVED by the HEALTH AUTHORITY to protect potable water.~~~~

supplies from CONTAMINATION by backflow:
(4) Be designed to facilitate draining and cleaning by:



- (a) ~~Being readily removable and easily handled to PERMIT use of a drain, at least 0.5" internal diameter, located on a side of the tank.~~
- (b) ~~Having a bottom sloped to a drain, at least 0.5" internal diameter, located at the lowest point in the tank, with the slope of the bottom being at least 0.5" per foot.~~
- (D) ~~A waste water tank for a PORTABLE UNIT FOR SERVICE OF FOOD shall:~~
 - (1) ~~Have a capacity at least 15% greater than the total capacity of the portable unit's potable water tank(s), including water heater capacity.~~
 - (2) ~~Have an interior surface that is SMOOTH and EASILY CLEANABLE.~~
 - (3) ~~Be designed to facilitate cleaning by:~~
 - (a) ~~Being readily removable and easily handled to PERMIT use of a drain, at least 0.5" internal diameter, located on a side of the tank.~~
 - (b) ~~Having a bottom sloped to a drain, at least 0.5" internal diameter, located at the lowest point in the tank, with the slope of the bottom being at least 0.5" per foot.~~
- (E) ~~The operator of a PORTABLE UNIT FOR SERVICE OF FOOD that requires water for hand washing or FOOD preparation shall:~~
 - (1) ~~During draining and cleaning of waste water tanks, protect all FOOD and FOOD CONTACT SURFACES from spills, splashes, or aerosols of waste water.~~
 - (2) ~~Cease all FOOD handling operations whenever the waste water storage tank is filled to capacity.~~
 - (3) ~~Dispose of waste water in a manner APPROVED by the HEALTH AUTHORITY.~~

11-501 NSF/ANSI or Equivalent Standards

11-501.11 Requirements

All EQUIPMENT for storage, preparation, and cooking of FOOD on a PORTABLE UNIT FOR SERVICE OF FOOD, and on its APPROVED ACCESSORY UNITS shall meet or exceed NSF/ANSI standards, or be determined as equivalent by a third-party certification.

11-502 Use of Ice and Fuels

11-502.11 RESTRICTIONS

Use and use of fuels for open flames on a PORTABLE UNIT FOR SERVICE OF FOOD shall be RESTRICTED as follows:

- (A) ~~Ice in which FOOD or BEVERAGE containers are immersed for cooling shall:~~
 - (1) ~~Be held in bins or other containers having lids to protect the ice from airborne contaminants and shall drain to remove melt water.~~
 - (2) ~~Not be used for consumption purposes.~~
- (B) ~~Use of open flames, liquid propane, or similar fuels shall be limited to locations where they do not pose a fire or safety HAZARD, or violate building, fire, or safety codes or regulations.~~

11-503 Cleaning of EQUIPMENT and UTENSILS

11-503.11 Procedures

EQUIPMENT and UTENSILS, for use at a PORTABLE UNIT FOR SERVICE OF FOOD, shall be handled as follows:

- (A) ~~FOOD CONTACT SURFACES of EQUIPMENT and UTENSILS shall be washed, rinsed, sanitized, and air dried before use.~~
- (B) ~~Once used for FOOD, UTENSILS and FOOD CONTACT SURFACES of EQUIPMENT shall be replaced or cleaned, sanitized, and air dried at least every four hours.~~
- (C) ~~FOOD CONTACT SURFACES that require in place manual cleaning shall be cleaned by a detergent solution, rinsed with water, and then sanitized with an APPROVED solution that is applied manually by clean wipe cloths or by spraying. The surfaces shall then be air dried before contact with FOOD.~~
- (D) ~~EQUIPMENT and UTENSILS, that are small enough to PERMIT cleaning in a three compartment sink, may be washed, rinsed, sanitized, and air dried at the portable unit or in its COMMISSARY or SERVICING DEPOT, using either a three compartment sink or an automatic dishwasher having a sanitizing cycle.~~
- (E) ~~Only DRINKING WATER shall be used for cleaning, preparation of sanitizers, and rinsing of EQUIPMENT and UTENSILS.~~

11-601 Sanitizers

11-601.11 Requirements

Only a chemical sanitizer listed in *21 CFR 178.1010, Sanitizing Solutions*, and used in accordance with the EPA APPROVED manufacturer's label instructions shall be used in a sanitizing solution for a PORTABLE UNIT FOR SERVICE OF FOOD. APPROVED sanitizers shall be stored and utilized as follows:

- (A) A clean wiping cloth shall be stored in APPROVED sanitizer for immediate use.
- (B) Containers of sanitizers, properly labeled as "sanitizers," shall be stored only in locations where accidental spill or drips cannot contaminate FOOD or BEVERAGES.
- (C) A FOOD CONTACT SURFACE, to which an APPROVED sanitizer has been applied, shall be air dried before use.
- (D) Sanitizer test strips, a test kit, or other device that accurately measures the concentration in ppm of chemical sanitizers shall be provided and readily accessible for frequently measuring of the concentration of chemical sanitizing solutions.

11-602 Miscellaneous POISONOUS OR TOXIC MATERIALS

11-602.11 RESTRICTIONS

PERSONAL medications, first aid supplies, chemical cleaning agents, sanitizers not APPROVED for use on FOOD CONTACT SURFACES, and other POISONOUS TOXIC OR MATERIALS shall, if present, be stored securely in covered containers in a storage clearly designated as "Not for storage of FOOD, BEVERAGE, or supplies used for handling or serving FOOD or BEVERAGE."

11-701 PORTABLE UNITS FOR SERVICE OF FOOD

11-701.11 Requirements

PORTABLE UNITS FOR THE SERVICE OF FOOD shall meet the requirements of Chapter 8 of these Regulations. Additionally:

- (A) A TEMPORARY FOOD ESTABLISHMENT PERMIT will be required if the portable unit participates in a special event at a location other than the location specified on their health PERMIT.
- (B) A CEASE AND DESIST ORDER operation shall be issued by the HEALTH AUTHORITY to any PORTABLE UNIT FOR SERVICE OF FOOD found operating at a location not specified on its health PERMIT.
- (C) FOOD that is not APPROVED under the health PERMIT shall not be served.

Per

Subparts

- 1 Food Handler**
- 2 Hygienic Practices**

11-801 FOOD HANDLER

11-801.11 HEALTH CARD Requirements

A FOOD HANDLER at a PORTABLE UNIT FOR SERVICE OF FOOD, or at a COMMISSARY or SERVICING DEPOT for a PORTABLE UNIT FOR SERVICE OF FOOD, shall possess a current, valid FOOD HANDLER'S HEALTH CARD issued by the HEALTH AUTHORITY.

11-802 Hygienic Practices

~~11-802.11 Hair Restraint~~

~~FOOD HANDLERS who prepare or serve FOOD shall restrain their hair as specified in Chapter 2 402.11 of these Regulations.~~

~~11-802.12 Tobacco Use~~

~~FOOD HANDLERS shall not use tobacco in any form while engaged in preparation and service of FOOD.~~

Chapter 12

Catering and Food

- (B)** Whenever a permit holder or PIC fails to comply with any notice issued under the provisions of these regulations, the permit holder or PIC must be notified in writing that the permit and associated permits are, upon service of the notice, immediately suspended pending permit revocation. The notice must contain a statement informing the permit holder or PIC that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Health Authority within five business days.
- (C)** Whenever the Health Authority finds an insanitary or other condition in the operation of a food establishment which, in its judgment, constitutes an imminent health hazard to public health, it may without warning, notice, or hearing issue a written order to the permit holder or PIC citing the condition, specifying the corrective action to be taken, and specifying the time within which the action must be taken. The order may state that the permit is immediately suspended and all food operations at all associated permits must be immediately discontinued. Any person to whom such an order is issued must comply with it immediately. Upon written petition to the Health Authority, the person must be afforded a hearing as soon as possible.
- (D)** Any person whose permit(s) has been suspended but is not pending revocation may, at any time, make application for reinspection for reinstatement of the permit. Within ten business days following receipt of a written request, including a statement signed by the applicant that in their opinion the conditions causing suspension of the permit have been corrected, the Health Authority may conduct a reinspection. If the applicant is in compliance with the requirements of these regulations, the permit must be reinstated.
- (E)** For serious or repeated violations of any of the requirements of these regulations, or for interference with the Health Authority in the performance of their duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Authority. Before taking such an action the Health Authority must notify the permit holder, in writing, of the reasons for which the permit is subject to revocation and advising the permit holder of the requirements for filing a request for a hearing. A permit may be suspended for cause pending its revocation or a hearing relative thereto.
- (F)** Unless a request for a hearing is filed with the Health Authority by the permit holder within five business days following service of the notice, the Health Authority may permanently revoke the permit.
- (G)** The hearings provided for in this section must be conducted at a time and place designated by the Health Authority. Based upon the record of the hearing, the Health Authority must make a finding and may sustain, modify, or rescind any previous official notice or order considered in the hearing. A written report of the hearing decision must be furnished to the permit holder by the Health Authority.

8-602.2 Post Revocation Action

- (A)** Once the permit has been revoked, as specified in § 8-602.1, the permit holder must discontinue all food activity associated with the food establishment in question. Failure to do so may result in:
- (1)** The Health Authority requesting an injunction from the District Court of Jurisdiction, against continued operation by the previous permit holder.
 - (2)** The Health Authority referring the non-compliance to the District Attorney of Jurisdiction for prosecution.
- (B)** Once the timeframe for appeal has transpired, any food remaining at the location in question may be denatured and destroyed by the Health Authority as specified in NRS 446.920.

(C) Following permit revocation, any persons listed as sole proprietor, officer, or managing member of the business must be prohibited from obtaining a food establishment permit within the jurisdiction of the Southern Nevada Health District.

8-603 Appeal Process

(A) A person aggrieved by findings or corrective action required by the Health Authority following an inspection or investigation may make a written request for a meeting with the inspector responsible for the action and the program supervisor to discuss the inspection or investigation, including, if applicable, the person's objections to the findings or corrective action required, and any requests to modify the inspection or investigation report. A request for such a meeting must be received by the Health Authority no later than 15 business days after the date of the inspection or investigation.

(B) If the meeting held pursuant to ¶ (A) does not resolve the issue, the aggrieved person may submit a written request for a meeting with the section manager or division director to discuss any unresolved issues. A request for such a meeting must be received by the Health Authority no later than 10 business days after the meeting held pursuant to ¶ (A).

8-7	Service of Notice
Subparts	
8-701	Service of Notice

8-701 Service of Notice

8-701.1 Delivery of Notice

Notices provided for in NRS 446.895 shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or PIC, or such notice has been sent by email, registered, or certified mail, return or read receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Health Authority.

Chapter 9 Commissaries

Parts

- ~~12-1 Definitions~~
- ~~12-2 Plan Review~~
- ~~12-3 Food Protection~~
- ~~12-4 Post Event Breakdown~~
- ~~12-5 Commissary~~
- ~~12-6 Personnel~~

~~12-101 Applicability and Listing of Terms~~

~~12-101.11 Interpretation and Listing of Terms~~

The following definitions shall apply in the interpretation and application of this Chapter.

~~12-102 Definitions~~

~~CATERING FOOD ESTABLISHMENT~~ means an APPROVED FOOD ESTABLISHMENT that is serving or preparing FOOD at a location other than its PERMITTED location for a contracted FOOD service event. This also includes a place of business or organization that routinely contracts with a CATERING FOOD ESTABLISHMENT to provide FOOD items for individual sale to employees or members of that business, if the FOOD was prepared in a COMMISSARY and transported, displayed, handled and offered for sale as specified in these Regulations.

~~CATERING FOOD ESTABLISHMENT~~ does not include:

- (A) FOOD ordered as take-out or delivery from the FOOD ESTABLISHMENT that prepared the FOOD, where the FOOD is given to the CONSUMER for self-service, including but not limited to pizza delivery or fried chicken delivery. FOOD delivered by a third-party FOOD DELIVERY SERVICE is not exempt from these Regulations.
- (B) FOOD that is brought from home and presented pot luck style in a place of business for consumption by the employees of that business, without payment, as long as the business does not offer the FOOD to the public.
- (C) FOOD that is prepared and offered for free distribution to feed the needy, whether done by a charitable organization, a private citizen, citizen group, or a business.

~~EVENT LOCATION~~ means an unPERMITTED location that is not owned by the caterer where FOOD is distributed to guests at a contracted private event.

~~FOOD DELIVERY SERVICE~~ means a business that picks up prepared FOOD from a PERMITTED FOOD ESTABLISHMENT including but not limited to a full-service restaurant for immediate delivery to the end user. The business solely transports the FOOD and is prohibited from preparing or handling open FOOD. This term does not include delivery drivers who work for the FOOD ESTABLISHMENT from which the FOOD originates or delivery of FOOD from retail grocery stores.

~~PERMANENT CATERING SUPPORT PANTRY/BANQUET SUPPORT PANTRY~~ means a facility that is owned or leased by a caterer and serviced by, but remote from, the CATERING FOOD ESTABLISHMENT, for the purpose of conducting banquet service at the remote location, and that maintains at the remote location permanently installed FOOD service EQUIPMENT and or FOOD storage.

~~REMOTE SERVICE SITE~~ means a PERMITTED location that is not owned by the caterer where FOOD items, provided by the caterer, are sold by the piece to individual CONSUMERS for a limited period of time in any one 24-hour period.

~~12-201~~ — ~~COMMISSARY Kitchen/Catering Kitchen/Banquet Kitchen~~

~~12-201.11 Plans~~

~~An applicant for a COMMISSARY Kitchen/Catering Kitchen/Banquet Kitchen shall submit to the HEALTH AUTHORITY properly prepared plans and specifications for review and approval, as specified in Chapter 4 of these Regulations.~~

~~12-202~~ — ~~REMOTE SERVICE SITE~~

~~12-202.11 Plans~~

~~An applicant for a REMOTE SERVICE SITE PERMIT shall submit to the HEALTH AUTHORITY properly prepared plans, and specifications for review and approval, as specified in Chapter 4 of these Regulations.~~

~~12-203~~ — ~~Permanent Catering Pantry/Banquet Support Pantry~~

~~12-203.11 Plans~~

~~An applicant for a PERMANENT CATERING SUPPORT PANTRY/BANQUET SUPPORT PANTRY permit shall submit to the HEALTH AUTHORITY properly prepared plans and specifications for review and approval, as specified in Chapter 4 of these Regulations.~~

~~12-301~~ — ~~FOOD Protection~~

~~12-301.11 Protection~~

~~All FOOD stored, prepared, displayed, served, or sold by a CATERING FOOD ESTABLISHMENT, or transported from such establishments, shall be protected against temperature abuse, vermin, and any other source of CONTAMINATION.~~

~~12-302~~ — ~~FOOD Packaging~~

~~12-302.11 Commercially PACKAGED FOOD in Individual Packages~~

- ~~(A) — FOOD purchased by a CATERING FOOD ESTABLISHMENT, that is PRE-PACKAGED for individual sale or use, including but not limited to potato chips, cookies, JUICE boxes, or half pints of milk shall remain in the individual packaging for delivery to the CONSUMER. Re packaging or re labeling of PRE-PACKAGED FOOD for individual use is prohibited. A CATERING FOOD ESTABLISHMENT shall not re package FOOD labeled for individual use.~~
- ~~(B) — Commercially PACKAGED bulk FOOD, including but not limited to large bags of potato chips or cookies, may be divided into portions only if part of a meal and all FOOD handling requirements are met.~~
- ~~(C) — Individual sale of BEVERAGES shall be in PRE-PACKAGED containers. If the BEVERAGE is offered as part of a contracted meal service, the BEVERAGE may be served by FOOD HANDLERS from bulk containers.~~

~~12-302.12 FOOD Labeling~~

~~FOOD offered for individual sale over the counter, including but not limited to sandwiches, cookies, bagels, or donuts shall be individually wrapped in FOOD-GRADE material or placed in an APPROVED FOOD container. If sold at a remote self-service counter, all PACKAGED FOOD shall be labeled as specified in Chapter 3-602.11 of these Regulations.~~

~~12-303~~ — ~~FOOD Transportation~~

~~12-303.11 EQUIPMENT~~

- ~~(A) — All EQUIPMENT used in FOOD transport shall maintain required temperature of FOOD items for the entire time the FOOD is in transit.~~
- ~~(B) — All EQUIPMENT shall meet the specified requirements of Chapter 4-201.11 of these Regulations, and shall be maintained in good repair.~~
- ~~(C) — All cold holding EQUIPMENT shall maintain required FOOD temperatures at 41°F±2°, or below, while the FOOD is in the VEHICLE awaiting transport and during transportation to the final destination.~~

~~(D) All hot holding EQUIPMENT shall maintain required FOOD temperatures at 135°F±2°, or above, while the FOOD is in the VEHICLE awaiting transport and during transportation to the final destination.~~

~~(E) All clean and sanitized TABLEWARE, UTENSILS, and LINEN shall be covered, stored, and transported in an APPROVED manner to protect the items from CONTAMINATION.~~

~~12-303.12 Transportation VEHICLES~~

~~The HEALTH AUTHORITY shall have access to any VEHICLE utilized by a CATERING FOOD ESTABLISHMENT to ensure that:~~

~~(A) The VEHICLE used for transportation is constructed, equipped, and maintained in a manner that protects all FOOD, EQUIPMENT, UTENSILS, TABLEWARE, and LINEN from CONTAMINATION.~~

~~(B) The VEHICLE is maintained clean, free of trash, FOOD debris, spills, insects, or any other source of CONTAMINATION to the FOOD or EQUIPMENT.~~

~~(C) Any chemical substances, transported in the same VEHICLE as food, are properly and securely segregated from the FOOD and FOOD service EQUIPMENT.~~

~~(D) Soiled TABLEWARE, UTENSILS, and LINEN shall be properly and securely segregated from FOOD and clean EQUIPMENT during transport to prevent CROSS CONTAMINATION.~~

~~(E) Unauthorized access to, or tampering with, FOOD, packages, and other items in the VEHICLE is prevented.~~

~~9-1 12-303.13 FOOD Temperature Permitting Requirements During Transportation~~

~~(A) Immediately prior to transport all PHF (TCS) temperatures shall be taken and recorded on a log to ensure that the FOOD is placed in the VEHICLE at temperatures as specified in Chapter 3-401 through 3-403 of these Regulations. The log shall be made available to the HEALTH AUTHORITY upon request.~~

~~(B) FOOD provided for transport by a FOOD DELIVERY SERVICE for immediate delivery to the customer, shall be temperature checked by the CATERING FOOD ESTABLISHMENT prior to transport. At no time shall the driver or any other employee of the FOOD delivery VEHICLE have direct contact with the FOOD during transport.~~

~~(C) Upon arrival at the event or catering location the PERSON IN CHARGE shall take and record on a log the temperatures of all PHF (TCS). This does not apply to FOOD DELIVERY SERVICES.~~

~~(D) FOOD that is not within the required temperature range at delivery, as required by these Regulations, shall be consumed or discarded within four hours. If rethermalization or cooling EQUIPMENT is available, FOOD shall be reheated or cooled as specified in these Regulations.~~

~~12-304 FOOD DELIVERY~~

~~12-304.11 Service~~

~~A FOOD DELIVERY SERVICE shall ensure that:~~

~~(A) Its employees shall only pick up and deliver PACKAGED FOOD TO A REMOTE SERVICE SITE from a PERMITTED FOOD ESTABLISHMENT.~~

~~(B) Before transportation the employee shall ensure that:~~

~~(1) The FOOD is loaded in a manner that prevents excessive shifting within the VEHICLE.~~

~~(2) The FOOD is strategically loaded to minimize heat exchange between hot and cold FOOD.~~

~~(3) The FOOD is properly stored and segregated to protect it from any source of CONTAMINATION.~~

~~(C) During and upon delivery, the employee shall ensure that all hot and cold holding EQUIPMENT is kept clean, sanitized, and in good repair.~~

~~(D) Upon delivery the employee shall not participate in the set up or service unless they possess a valid FOOD HANDLER HEALTH CARD.~~

~~12-305 FOOD Service~~

~~12-305.11 FOOD Set up and Service at a REMOTE SERVICE SITE or at an EVENT LOCATION~~

~~A CATERING FOOD ESTABLISHMENT shall ensure that FOOD is delivered to a REMOTE SERVICE SITE, EVENT or to an EVENT LOCATION at required temperatures and is protected from CONTAMINATION.~~

~~(A) All FOOD items shall be stored at least 6" above the floor or ground during temporary storage, set up, and service.~~

~~(B) Adequate HAND WASHING SINKS shall be provided at the REMOTE SERVICE SITE or at an EVENT LOCATION where open FOOD preparation and/or dish up are occurring.~~

~~(1) One or more self contained or permanently plumbed HAND WASHING SINKS with hot and cold water service under pressure shall be provided. A self contained HAND WASHING SINK shall meet NSF/ANSI or equivalent standards, and be capable of containing at least 5 gallons of potable water, 2.5 gallons of hot water, and 7.5 gallons of waste water.~~

~~(2) Liquid hand soap in a pump dispenser, as well as single use paper towels dispensed in a sanitary manner, shall be available at the HAND WASHING SINK.~~

- (3) ~~Waste water from the HAND WASHING SINK shall drain into a designated container designed to prevent splash or overflow. The waste water container shall be emptied as needed into a sanitary sewer.~~
- (4) ~~A waste receptacle shall be located near the HAND WASHING SINK for disposal of paper towels.~~
- (5) ~~Hand sanitizers and single service gloves may be used, but are not a substitute for hand washing.~~
- (C) ~~The PERSON IN CHARGE of FOOD service during the event shall ensure that:~~
 - (1) ~~FOOD that is not within the required temperature range at service, as specified by these Regulations, shall be consumed or discarded within four hours.~~
 - (2) ~~All hot and cold holding EQUIPMENT continues to function as designed during the FOOD service period.~~
 - (3) ~~Minimal bare hand contact with READY-TO-EAT FOOD occurs. Where bare hand contact is unavoidable, a HAND WASHING SINK shall be located in the immediate FOOD preparation area and shall be used by the employees.~~
- (D) ~~UTENSILS used to serve catered FOOD shall:~~
 - (1) ~~Meet the requirements of Chapter 4-201.11 of these Regulations and be maintained in good repair.~~
 - (2) ~~Be stored in the FOOD with the handle extended out of the FOOD, on a clean surface, or in a clean container.~~
 - (3) ~~Be replaced every four hours or sooner if observed to be mishandled by the guest, dropped, or otherwise contaminated during the serving process.~~

~~12-401~~ ~~Post Event~~

~~12-401.11 Breakdown~~

- (A) ~~Open or PHF (TCS) not consumed at a REMOTE SERVICE SITE or at an EVENT LOCATION shall not be utilized by the caterer for any subsequent events unless the FOOD was held at required temperatures and protected from CONTAMINATION at all times.~~
- (B) ~~Any non-PHF (TCS) PRE-PACKAGED SINGLE-USE ARTICLES including but not limited to cans or bottles of soda, individually apportioned CONDIMENTS, and similar items may be retained for re-use.~~
- (C) ~~All soiled UTENSILS, EQUIPMENT, TABLEWARE, and LINEN shall be returned to the COMMISSARY at the completion of the catered event for cleaning, sanitizing, and storage.~~
- (D) ~~All FOOD, waste, trash, and debris shall be discarded in an APPROVED manner.~~

~~12-402~~ ~~Clean-Up~~

~~12-402.11 Cleaning Supplies and Other Chemical Substances~~

~~Unless otherwise pre-arranged with the host of the event, the caterer shall provide cleaning supplies for clean-up leaving the event site in a clean and sanitary condition.~~

~~12-402.12 Cleaning Supplies and Other Chemical Substances During Transport~~

~~During transport, all cleaning supplies including but not limited to hand soap, detergent, sanitizing agents, brooms, mops, wiping cloths, buckets, etc., shall be properly segregated to protect re-useable items from CONTAMINATION.~~

~~12-501~~ ~~COMMISSARY~~

~~12-501.11 Functions~~

~~EQUIPMENT, UTENSILS, TABLEWARE, and LINEN returned to the COMMISSARY shall:~~

- (A) ~~Be cleaned, sanitized, air dried, and properly stored as specified in Chapter 4-4 and 4-5 of these Regulations.~~
- (B) ~~Have all solid waste generated during catering and clean-up operations disposed of in an APPROVED container for solid waste. Garbage shall be picked up with a frequency to prevent accumulation of putrescible garbage and other waste that may cause a public health HAZARD.~~
- (C) ~~Have all liquid waste disposed into a sanitary sewer through a grease trap if required. Waste water is not allowed to be disposed of into the storm drain, onto the asphalt, or other areas around the COMMISSARY.~~

~~12-601 HEALTH CARD~~

~~12-601.11 FOOD HANDLER HEALTH CARD~~

~~Any employee of a CATERING FOOD ESTABLISHMENT engaged in handling, storing, transporting, preparing, manufacturing, serving, or selling open 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 shall possess a valid FOOD HANDLER HEALTH CARD issued by the HEALTH AUTHORITY.~~

~~12-602 Hygienic Practices~~

~~12-602.11 Hand Washing~~

~~The caterer shall ensure that FOOD HANDLERS wash their hands:~~

- ~~(A) Before beginning, and after ending, their shifts.~~
- ~~(B) After using the toilet.~~
- ~~(C) After smoking, eating, or drinking.~~
- ~~(D) After handling raw FOOD.~~
- ~~(E) Before and after loading and unloading FOOD and FOOD service EQUIPMENT from their VEHICLES.~~
- ~~(F) Before and after setting up FOOD service lines.~~
- ~~(G) Before serving FOOD during table service.~~
- ~~(H) After retrieving soiled TABLEWARE in the bussing process.~~
- ~~(I) Before any contact with FOOD, FOOD service EQUIPMENT, or other items.~~
- ~~(J) After any other activity in which their hands become soiled or otherwise contaminated as specified in Chapter 2 of these Regulations.~~

~~12-602.12 Hair Restraint~~

~~FOOD HANDLERS who prepare or serve FOOD shall restrain their hair as specified in Chapter 2 402.11 of these Regulations.~~

~~12-602.13 Tobacco Use~~

~~FOOD HANDLERS shall not use tobacco in any form while engaged in preparation and service of FOOD.~~

Chapter 13

Farmer's Markets and Ancillary Food Establishments

9-2 Operational Requirements

9-1 Permitting Requirements

Subparts

9-101 Prerequisite for Operation

9-1 Permitting Requirements

Commissaries must operate within the parameters set forth in Chapters 1-8 of these regulations unless specified otherwise in this chapter. This chapter describes additional requirements specific to Commissaries.

9-101 Prerequisite for Operation

9-101.1 Commissaries

Commissaries must:

- (A) Limit the number and type of permit holders contracted based on their equipment capabilities, space, and service capacity.
- (B) Designate an easily identifiable area for each contracted permit holder that is large enough to accommodate storage of their food and equipment.
- (C) Have a three-compartment sink and handwashing sink that is conveniently located and easily accessible for use by contracted permit holders.
- (D) Provide access to restrooms stocked with handwashing soap and disposable hand towels during all hours of operation for use by contracted permit holders.
- (E) Have an area for filling freshwater tanks with drinking water that meets Section 5-202, and
- (F) If the commissary contracts with Mobile Unit permit holders, it must:
 - (1) Have an area for washing equipment and vehicles. Hoses used for washing must be pressurized, long enough to reach all parts of the equipment or vehicle and be stored off the ground.
 - (2) Construct the premises with curbs and proper slopes which direct wastewater to drains as approved by the agencies having jurisdiction, and
 - (3) Provide an area for mobile units to dump wastewater into an exterior drain with adequate grease capture as approved by the sewer agency having jurisdiction.

9-101.2 Support Kitchens

- (A) Support Kitchens may be utilized by a temporary event vendor if such use will not cause a nuisance or unmanageable food safety risk and is approved.
- (B) A support kitchen must not be used as a commissary for a food establishment with an annually renewable permit unless approved.

9-2 Operational Requirements

Subparts

- 9-201 Responsibilities of the Commissary Manager**
- 9-202 Commissary Service Agreement**

9-201 Responsibilities of the Commissary Manager

A Commissary Manager, or designated PIC, must:

- (A) Be on the premises or readily accessible during all hours of operation.
- (B) Prohibit the use of the commissary by unpermitted operators.
- (C) Provide written notification within five business days to the Health Authority:
 - (1) When a contracted permit holder no longer has a valid agreement to use the commissary, or
 - (2) When a contracted permit holder's agreement or lease is changed in any way.
- (D) Provide written notification to each contracted permit holder when an imminent health hazard exists and prohibit them from utilizing the commissary until such time that the hazard is mitigated.
- (E) Provide an up-to-date list of contracted permit holders upon request of the Health Authority.
- (F) Maintain a sign in/sign out attendance log for all contracted permit holders. The attendance log must be true and accurate, updated daily, and made available upon request. The attendance log must include the following information:
 - (1) The commissary business name, address, phone number, and permit number.
 - (2) The contracted permit holder's business name and the name and signature of the PIC.
 - (3) The vehicle identification number, if applicable, when there is more than one mobile unit operating under the same business name, and
 - (4) The date, time in, and time out of each visit, or,
 - (5) Other approved time tracking system.
- (G) Flush and sanitize pumps and hoses used to supply drinking water before being placed into service following construction, repair, modification, or periods exceeding 14 calendar days during which they were not used. The Health Authority may require water testing to verify the safety of the water supply.

9-202 Commissary Service Agreement

A commissary service agreement must contain:

- (A) The commissary name, address, phone number, health permit number and signature of the PIC,
- (B) The service(s) that the commissary will provide,
- (C) The number of hours per week/month that services are available to the contracted permit holder, and

Commented [CS61]: Comment:
Many kitchens are used by one permit holder at a time so why would the commissary manager need to be there?
Comment by Joseph Wagner of 4D Commissary 8/30/22

(D) A clause that indicates termination or changes to the agreement must result in written notification to the Health Authority within five business days of the date the agreement was terminated.

Chapter 10 Mobile Units

Parts

- ~~13-1~~ — ~~Definitions~~
- ~~10-1~~ ~~Farmer's Market and~~ **Permitting and Construction Requirements**
- ~~10-2~~ ~~Operational Requirements for All Certified Producers of Farm Products~~
- ~~13-2~~ — ~~Requirements for Ancillary Food Establishments Associated with Farmer's Markets~~ **13-5**
— ~~Permit Restrictions~~
- 10-3** — **Applicability** ~~Record~~ **Requirements**

10-1 Permitting and Construction Requirements for Mobile Units

Subparts

- 10-101** Prerequisite for Operation
- 10-102** Construction Requirements
- 10-103** Mobile Unit Markings

~~13-101~~ — ~~Permitting and Listing of Terms~~

~~13-101.11~~ Interpretation and Listing of Terms

The following definitions shall apply in the interpretation and application of this Chapter.

~~13-102~~ — ~~Definitions~~

~~ANCILLARY FOOD ESTABLISHMENT~~ means any FOOD ESTABLISHMENT which is operated in conjunction with a FARMER'S MARKET which sells or gives away FOOD other than farm PRODUCE or PROCESSED FARM PRODUCTS, which includes but is not limited to LOW and HIGH RISK ANCILLARY FOOD ESTABLISHMENTS.

~~COMMISSIONER~~ means an appointee or designee of the *State of Nevada's Health Division of the Department of Health and Human Services* which enforces and administers the Regulations concerning ADULTERATED, mislabeled and MISBRANDED FOOD, drugs, devices, and cosmetics.

~~FARMER~~ means any PERSON who as an owner, part owner, tenant, or sharecropper which operates a farm in the United States.

~~FARMER'S MARKET~~ means a place of business where the actual PRODUCER of FARM PRODUCTS or a representative designated by the PRODUCER and possessing the PRODUCER's PRODUCE certificates of FARM PRODUCTS can bring their products for direct sale to CONSUMERS. A minimum of one certified PRODUCER of FARM PRODUCTS, or designated representative, must be present and in compliance with these Regulations and participating for the venue to be considered, PERMITTED, and operated as a FARMER'S MARKET.

~~FARM PRODUCTS aka PRODUCE~~ includes all agricultural, horticultural, viticultural, and vegetable products of the soil. The term does not include livestock and livestock products, POULTRY and POULTRY products, uncertified non-graded whole-shell EGGS, FISH and FISH products, SHELLSTOCK and SHELLSTOCK products, crustaceans and crustacean products, HONEY, hay and timber products, or milk and milk products.

~~HIGH-RISK ANCILLARY FOOD ESTABLISHMENT~~ means any FOOD ESTABLISHMENT at or in conjunction with a FARMER'S MARKET that sells PHF (TCS).

~~HONEY~~ means the natural product of HONEY bees drawn from the nectar of flowers, transformed by the bees and stored in a HONEYcomb and later marketed in the HONEYcomb or taken from the HONEYcomb and marketed in a liquid, candied, or granulated condition.

~~LOW-RISK ANCILLARY FOOD ESTABLISHMENT~~ means any FOOD ESTABLISHMENT at or associated with a FARMER'S MARKET that does not sell PHF (TCS).

~~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.

~~ON-SITE~~ means located within the confines of the FARMER'S MARKET.

~~PROCESSED FARM PRODUCTS~~ means FARM PRODUCTS that are manufactured, processed or otherwise prepared, labeled, stored, and subsequently displayed for sale by FARMERS for human consumption.

~~PRODUCER~~ means any PERSON engaged in the business of growing or producing any farm product.

13-103 — IMMEDIATE HEALTH HAZARDS

13-103.11 Ceasing Operations and Reporting

- (A) — Except as specified in Paragraph (B) of this Section, a PERMIT HOLDER shall immediately discontinue operations and notify the REGULATORY AUTHORITY if an IMMEDIATE HEALTH HAZARD exists because of an emergency including but not limited to fire, flood, extended interruption of electrical or water service, SEWAGE backup, misuse of POISONOUS OR TOXIC MATERIALS, onset of an apparent FOOD BORNE ILLNESS outbreak, gross unsanitary occurrence or condition, or other circumstance that may endanger public health.
- (B) — A PERMIT HOLDER need not discontinue operations in an area of an establishment that is unaffected by the IMMEDIATE HEALTH HAZARD.

13-201 — Responsibilities of the FARMER'S MARKET Manager

13-201.11 The MARKET Manager

The market manager of each FARMER'S MARKET shall:

- (A) — Obtain and maintain a current health PERMIT to operate a FARMER'S MARKET. A health PERMIT to operate a FARMER'S MARKET is not transferable from PERSON to PERSON or location to location.
- (1) — The FARMER'S MARKET Manager shall make written application for an FARMER'S MARKET PERMIT on forms provided by the HEALTH AUTHORITY. The application for the FARMER'S MARKET PERMIT shall be accompanied by payment of a fee as established by the DISTRICT BOARD OF HEALTH.
- (2) — Failure to submit a FARMER'S MARKET application as required by this Section shall result in a CEASE AND DESIST ORDER being issued.
- (B) — Ensure that all site requirements and support services are met.
- (C) — Maintain current copies of PRODUCERS' certificates for all exempt FARMERS at the FARMER'S MARKET.
- (D) — Prior to operating, ensure that all FARMERS participating in non-exempt activities and ANCILLARY FOOD ESTABLISHMENTS have current health PERMITS as required.
- (E) — ~~Ensure there are no live animal venues, associated with the FARMER'S MARKET, including but not limited to pony rides and petting zoos.~~
- (F) — A market manager shall notify all exempt FARMERS and PERMITTED vendors in advance of the availability and location of potable water sources, or if potable water will not be provided.
- (G) — Be present or have a designee present during market operating hours.

13-201.12 PERMIT Approval to Operate

Once all requirements for the FARMER'S MARKET manager have been met, the health PERMIT for the FARMER'S MARKET shall be APPROVED.

13-202 — Site Location

10-1 13-202.11 Construction Requirements for Mobile Units

- (A) — ~~FARMER'S 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 FARMER'S MARKETs shall be located on grass, or SMOOTH asphalt or concrete.
- (1) — ~~FARMER'S MARKETs located in parking lots or streets shall have sufficient traffic barriers and markers to clearly indicate that the area is being used for pedestrians.~~
- (2) — Parking lots serving FARMER'S MARKETs shall be graded for adequate drainage.
- (3) — ~~FARMER'S MARKETs shall not be located where they may be adversely affected by dust, weather conditions, or vermin.~~
- (C) — ~~Indoor FARMER'S MARKETs shall be located in a building which is in compliance with all local building and fire codes.~~

~~(D) Restroom Facilities:~~

~~(1) Outdoor FARMER's MARKETS:~~

- ~~(a) Portable toilets shall be provided, adequate in number and located in an easily accessible area, for vendors and the public.~~
- ~~(b) The HEALTH AUTHORITY may approve conveniently located plumbed restroom facilities, which are available for use by the vendors and the public, if their use has been assured in writing by the facility owner.~~
- ~~(c) Toilet facilities, including the toilet room and fixtures, shall be kept clean, in good repair, and free of objectionable odors.~~
- ~~(d) An adequate supply of toilet tissue shall be provided at each toilet at all times. The FARMER's MARKET manager shall maintain, ON-SITE, a surplus supply of toilet paper.~~
- ~~(e) When portable toilets are used, one portable HAND WASHING SINK with running water which drains to an enclosed integral waste water tank, integral liquid soap, a disposable paper towel dispenser, and a trash receptacle shall be provided for every five portable toilets. The FARMER's MARKET manager shall maintain, ON-SITE, a surplus supply of liquid soap and disposable paper towels.~~
- ~~(f) Hand sanitizer may be mounted in the vicinity of the portable toilets for public use, however, shall not be used in place of a portable HAND WASHING SINK for FOOD HANDLERS after using the toilet.~~

~~(2) Indoor FARMER's MARKET:~~

- ~~(a) Indoor toilet facilities shall meet all local building and fire codes.~~
- ~~(b) HAND WASHING SINKS plumbed with hot and cold running water, tempered by a mixing valve or combo faucet shall be available in each restroom. The FARMER's MARKET manager shall maintain, ON-SITE, a surplus supply of liquid soap.~~
- ~~(c) A HAND WASHING SINK shall be equipped to provide water at a temperature of at least $100^{\circ}\text{F} \pm 2^{\circ}$ through a mixing valve or combination faucet. A self closing, or metering faucet shall provide a flow of water for at least 20 seconds without the need to reactivate the faucet.~~
- ~~(d) A wall hung liquid soap dispenser shall be available at each HAND WASHING SINK in the restroom and kept adequately stocked with liquid soap.~~
- ~~(e) A supply of sanitary, disposable paper towels for drying hands shall be conveniently located near each HAND WASHING SINK. Shared common towels are prohibited at HAND WASHING SINKS. The FARMER's MARKET manager shall maintain, ON-SITE, a surplus supply of disposable paper towels.~~
- ~~(f) Toilet facilities, including the toilet room, sinks, and all fixtures shall be kept clean, in good repair, and free of objectionable odors.~~
- ~~(g) A supply of toilet tissue shall be provided at each toilet at all times. The FARMER's MARKET manager shall maintain, ON-SITE, a surplus supply of toilet paper.~~
- ~~(h) 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.~~

~~(E) Waste disposal:~~

- ~~(1) Each market manager shall ensure there is a minimum of one waste container every 75' to hold waste that accumulates during the FARMER's MARKET hours of operation. Individual vendors may help satisfy this requirement by providing an appropriate trash container in front of their booth.~~
- ~~(2) All waste containers, used for FOOD waste, shall be constructed of durable metal or other durable materials that does not leak or absorb liquids.~~
- ~~(3) All waste containers shall be of adequate size and provided with plastic trash liners.~~
- ~~(4) Each waste container shall be emptied and cleaned daily or more often as needed.~~

- ~~(5) All waste shall be disposed of in an APPROVED manner.~~
- ~~(6) Wash water, rinse water, or waste water generated at a FARMER'S MARKET shall be properly handled and disposed of into a public sewer system.~~

~~(F) Lighting:~~

~~The FARMER'S MARKET manager shall ensure:~~

~~A minimum of 20 foot-candles in public areas.~~

- ~~(1) Mobile Units must operate within the perimeter of the FARMER'S MARKET.~~
- ~~(2) A minimum of 35 foot-candles, during all nighttime FOOD operations, in all FOOD handling areas. Shielding to contain broken glass shall be used for all artificial light fixtures that are located over, by, or within all FOOD handling areas.~~

~~13-203 FOOD HANDLER Requirements-~~

~~13-203.11 Health Card Requirements~~

~~All PERSONS, working as FOOD HANDLERS in PERMITTED FOOD ESTABLISHMENTS at a FARMER'S MARKET, shall possess a valid FOOD HANDLER'S HEALTH CARD as issued by SNHD as specified in Chapter 2-104.11 parameters set forth in Chapters 1-8 of these regulations.~~

~~13-203.12 Health and Disease Control~~

- ~~(A) 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 a FOOD BORNE ILLNESS transmission from any FOOD HANDLER, the HEALTH AUTHORITY shall secure a morbidity history of the suspected FOOD HANDLER or make other investigations as may be indicated and take appropriate action, including but not limited to 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 ANCILLARY FOOD ESTABLISHMENT, until no further danger of disease outbreak exists and is APPROVED by the HEALTH AUTHORITY to reopen.~~
 - ~~(3) Require appropriate medical and/or laboratory examination of the FOOD HANDLER, of other FOOD HANDLERS and/or of their bodily discharges.~~~~

~~13-204 FOOD ESTABLISHMENT PERMIT Requirements~~

~~13-204.11 Application for a PERMIT by FARMERS Involved in Non-Exempt Activities, and LOW and HIGH-RISK ANCILLARY FOOD ESTABLISHMENTS~~

~~The FOOD ESTABLISHMENT applicant shall:~~

- ~~(A) Make written application for the type of PERMIT in question on forms provided by the HEALTH AUTHORITY. Information shall include, but is not limited to:
 - ~~(1) Location.~~
 - ~~(2) Day(s) of FARMER'S MARKET.~~
 - ~~(3) Hours of FARMER'S MARKET.~~
 - ~~(4) Contact name, address, and phone number.~~
 - ~~(5) COMMISSARY location, if applicable.~~~~
- ~~(B) Provide a sample menu or a listing of the FOOD to be handled, processed, or PACKAGED. All FOOD shall be prepared and stored in a PERMITTED FOOD ESTABLISHMENT or COMMISSARY.~~
- ~~(C) Provide a description of the EQUIPMENT that will be used.~~
- ~~(D) Provide any label for packaging which has been proposed for a FOOD product.~~
- ~~(E) Provide a description of all the steps required to process each PHF (TCS) product to 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) The amount of time to heat the FOOD product.~~
 - ~~(5) The process for handling FOOD by employees of the FOOD ESTABLISHMENT.~~~~

~~(F) — Submit all information required by the provisions of this Section to be reviewed and APPROVED by the HEALTH AUTHORITY, in writing, prior to final approval and issuance of the health PERMIT.~~

~~(G) — Submit an application for a PERMIT to operate along with the required payment of a fee established by the DISTRICT BOARD OF HEALTH.~~

~~(H) — Notify the HEALTH AUTHORITY, in advance, whenever any information on the original application changes.~~

~~13-204.12 HIGH-RISK ANCILLARY FOOD ESTABLISHMENTS Requirements:~~

~~High RISK ANCILLARY FOOD ESTABLISHMENTS shall:~~

~~(1) — Submit to Plan Review properly prepared plans and specifications for review and approval, as required by Chapter 4 of these Regulations.~~

~~(2) — Be required to have a PERMITTED COMMISSARY location where FOOD is properly stored, and UTENSILS and EQUIPMENT are properly cleaned, sanitized, and stored between events.~~

~~13-204.13 Application Review~~

~~The application shall be reviewed by the HEALTH AUTHORITY and the proposed plan shall be APPROVED or denied.~~

~~(A) — If denied, the applicant shall be notified of the reason(s) for the denial. Incomplete applications shall be denied.~~

~~(B) — The HEALTH AUTHORITY may place limitations on the menu items and/or length of service/hours of operation if the FOOD ESTABLISHMENT has improvised rather than permanent facilities or EQUIPMENT for accomplishing functions including but not limited to hand washing, FOOD preparation and protection, FOOD temperature control, WARE WASHING, adequate DRINKING WATER, waste retention and disposal, and insect and rodent control.~~

~~13-204.14 Inspection by the HEALTH AUTHORITY~~

~~(A) — A health PERMIT issued by the HEALTH AUTHORITY is required for all FOOD ESTABLISHMENTS at, or associated with, a FARMER'S MARKET. This includes FARMERS participating in non-exempt activities, and LOW and HIGH-RISK ANCILLARY FOOD service operations. A PERMIT to operate shall be issued only after inspection and approval by the HEALTH AUTHORITY.~~

~~(B) — Additional inspections and reinspections shall be made to ensure compliance with these Regulations.~~

~~(C) — The HEALTH AUTHORITY may periodically inspect and place limitations on the menu items and/or length of service/hours of operation of the FOOD ESTABLISHMENT for the below listed reasons:~~

~~(1) — If the FOOD ESTABLISHMENT has improvised rather than permanent facilities or EQUIPMENT for accomplishing functions including but not limited to hand washing, FOOD preparation and protection, FOOD temperature control, WARE WASHING, DRINKING WATER availability, waste retention and disposal, and insect and rodent control.~~

~~(2) — If FOOD HANDLERS are observed mishandling FOOD.~~

~~(D) — The owner, manager, or PERSON IN CHARGE of each FOOD ESTABLISHMENT is responsible for any violations found at the FOOD ESTABLISHMENT.~~

~~(E) — As stated in NRS 199.300, it is unLAWful for any PERSON to interfere with the HEALTH AUTHORITY in the performance of their duties.~~

~~13-204.15 PERMIT~~

~~(A) — It is unLAWful for any PERSON to operate a FOOD ESTABLISHMENT unless a valid PERMIT has been issued by the HEALTH AUTHORITY.~~

~~(B) — Health PERMITS, issued under the provisions of this Chapter, shall be issued annually after initial approval. These PERMITS are valid at all FARMER'S MARKETS throughout Clark County.~~

~~(C) — PERMITS are not transferable from one PERSON to another PERSON.~~

~~(D) — 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.~~

~~13-204.16 FOOD Prohibitions~~

~~Pursuant to NAC 446.050, no FOOD prepared or stored in a private home may be used, stored, served, offered for sale, sold, given away, or offered to the public in a FOOD ESTABLISHMENT.~~

~~13-204.17 Access to Establishments, Inspection Records, DEMERIT Values and Scores~~

- ~~(A) The HEALTH AUTHORITY, after they have properly identified themselves, shall be allowed to enter during any operational times any FOOD ESTABLISHMENT within the HEALTH AUTHORITY's jurisdiction for the purpose of making an inspection to determine compliance with these Regulations. Records of the FOOD ESTABLISHMENT shall be made available for examination to obtain pertinent information pertaining to FOOD and supplies purchased, received, or used, and PERSONS employed.~~
- ~~(B) Whenever the HEALTH AUTHORITY makes an inspection of a FOOD ESTABLISHMENT, a record of the findings shall be documented on an inspection report form provided for this purpose. The HEALTH AUTHORITY shall furnish a copy of the inspection report form to the PERMIT HOLDER or PERSON IN CHARGE. The form shall 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 FOOD ESTABLISHMENT. Based upon the DEMERIT score, the FOOD ESTABLISHMENT at the FARMER'S MARKET will be given a "pass" or "fail" status.~~

~~13-204.18 Issuance of Notices~~

- ~~(A) Except as specified otherwise provided in Subsection 3, 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, the PERMIT HOLDER or PERSON IN CHARGE shall be notified 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.~~
 - ~~(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.~~
 - ~~(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 of correction.~~~~

~~13-204.19 Status of FOOD ESTABLISHMENTS at FARMER'S MARKETS~~

~~Health PERMIT requirements are as follows:~~

- ~~(A) Certified PRODUCERS of FARM PRODUCTS are exempt from health PERMITting when sampling is limited to whole intact fruits or vegetables and no PROCESSED FARM PRODUCTS are sold.~~
- ~~(B) Certified PRODUCERS of FARM PRODUCTS who offer samples of a farm product, other than FARM PRODUCTS that are whole and intact, or who sell PROCESSED FARM PRODUCTS at a FARMER'S 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 the HEALTH AUTHORITY. 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 health PERMIT. A PERMIT will not initially be issued if the score is greater than 10 DEMERITS. Any CRITICAL or MAJOR VIOLATIONS shall be corrected before a PERMIT is issued. When such periodic routine operational inspections take place for these FOOD ESTABLISHMENTS, a passing score is a DEMERIT score ranging from 0 to~~

~~15. During an inspection of these FOOD ESTABLISHMENTS, the facility shall fail the inspection when more than 15 DEMERITS are found. At that time, these FOOD ESTABLISHMENTS' PERMIT will be suspended and a closure fee assessed. These FOOD ESTABLISHMENTS will not be allowed to reopen until all violations are corrected, a closure fee has been paid, or documented arrangements have been made for payment of the closure fee, and a reinspection is conducted, and a passing score is received. A passing score is 15 DEMERITS with no repeat CRITICAL or MAJOR VIOLATIONS. Any FOOD ESTABLISHMENT which demonstrates a pattern of repeatedly failing inspections shall be subject to health PERMIT revocation.~~

~~(C) HIGH RISK and LOW RISK ANCILLARY FOOD ESTABLISHMENTS shall be deemed to pass its initial PERMITting inspection with a DEMERIT score of 10 DEMERITs or less. A PERMIT will not be issued if the score is greater than 10 DEMERITs. Any CRITICAL or MAJOR VIOLATIONS shall be corrected before a PERMIT is issued. When such periodic routine operational inspections take place, for the HIGH RISK and LOW RISK ANCILLARY FOOD ESTABLISHMENTS, a passing score is a DEMERIT score ranging from 0 to 15. During an inspection of a HIGH RISK and/or LOW RISK ANCILLARY FOOD ESTABLISHMENT, it shall be deemed to fail when more than 15 DEMERITs are found. At that time, the HIGH RISK and LOW RISK ANCILLARY FOOD ESTABLISHMENTS' PERMIT will be suspended and a closure fee assessed. The HIGH RISK and LOW RISK ANCILLARY FOOD ESTABLISHMENTS will not be allowed to reopen until all violations are corrected, a closure fee has been paid, or documented arrangements have been made for payment of the closure fee, and a reinspection is conducted, and a passing score is received. A passing score is 15 DEMERITs with no repeat~~

~~CRITICAL or MAJOR VIOLATIONS.~~

~~(D) Whenever the HEALTH AUTHORITY finds an unsanitary or other condition in the operation of a FOOD ESTABLISHMENT which in its judgment constitutes an IMMEDIATE HEALTH HAZARD to the public's health, the HEALTH AUTHORITY may without warning, notice or hearing, issue a written order to the PERMIT HOLDER or PERSON IN CHARGE citing the condition, specifying the corrective action, and compliance time frame within which the corrective action shall 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.~~

~~(E) Health PERMITs shall be revoked for any IMMEDIATE HEALTH HAZARDS, or repeated violations of any of the requirements of in this chapter, or for interference with the HEALTH AUTHORITY in the performance of their duties. The PERMIT may be permanently revoked after an opportunity for a hearing has been provided by the HEALTH AUTHORITY. Before taking such an action, the HEALTH AUTHORITY 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.~~

~~(f) The HEALTH AUTHORITY may permanently revoke a PERMIT five days following initial service of the notice unless a request for a hearing is filed with the HEALTH AUTHORITY by the PERMIT HOLDER within those five days.~~

The hearings provided for in This chapter shall be conducted by the HEALTH AUTHORITY at a designated time and place. 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 AUTHORITY describes additional requirements specific to Mobile Units.

13-204.20 Examination and Condemnation of FOOD

As specified in NRS 446.920:

~~(A) FOOD may be examined, or sampled by the HEALTH AUTHORITY, as often as may be necessary to determine freedom from adulteration or misbranding. The HEALTH AUTHORITY may, upon written notice to the owner or PERSON IN CHARGE, place a hold order on any FOOD which is determined or has probable cause to believe to be unwholesome or otherwise ADULTERATED or~~

~~MISBRANDED.~~

~~(B) Under a hold order, FOOD shall be allowed 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. The FOOD and/or the containers shall not be re-labeled, re-packed, re-processed, altered, disposed of, or destroyed without approval of the HEALTH AUTHORITY, except by order of a court of competent jurisdiction.~~

~~(C) After the owner or PERSON IN CHARGE has had a hearing, as specified in , 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 business days, the HEALTH AUTHORITY may vacate the hold order, or may by written order direct the owner or PERSON IN CHARGE of the~~

~~FOOD, which was placed under the hold order, to denature or destroy such FOOD or to bring it into compliance with the provisions of 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.~~

~~(D) When not on a hold order by the HEALTH AUTHORITY, the PERSON IN CHARGE may voluntarily dispose of FOOD believed to be unwholesome or otherwise ADULTERATED or MISBRANDED.~~

~~13-204.21 Service of Notices:~~

~~The HEALTH AUTHORITY shall properly serve notice by any or all of the below methods:~~

~~(A) Delivering it to the FOOD ESTABLISHMENT owner.~~

~~(B) Delivering it to the PERSON IN CHARGE of the FOOD ESTABLISHMENT.~~

~~(C) 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 FOOD ESTABLISHMENT's file.~~

1 Requirements for all Certified Producers of Farm

**General
Requirement
s Sampling**

~~13-301 General Requirements~~

~~13-301.11 Certified PRODUCERS~~

~~(A) The FARMER shall possess a current PRODUCERS' certificate or certificates for all FARM PRODUCTS being offered for sale. All certificates, licenses and PERMITS, for which he is selling FARM PRODUCTS, shall be posted in a conspicuous location at each point of sale.~~

~~(1) A FARMER, who produces FARM PRODUCTS, may designate another FARMER or representative to sell their FARM PRODUCTS at a FARMER's MARKET provided that the designated PERSON possesses a copy of the original FARMER's Agricultural Certificate.~~

~~A FARMER may sell for an unlimited~~

~~10-101 Prerequisite for Operation~~

Mobile Units must submit the following with their permit application:

(A) Plans showing the layout of equipment and plumbing,

(B) Proof of vehicle registration which includes the name of the registered owner, license plate number, vehicle identification number, and state of issuance,

(C) If the mobile unit is being leased, a signed copy of the lease agreement,

(D) A copy of the Nevada Secretary of State business license certificate,

(E) Documentation of mobile unit identification markings that comply with 10-103,

(F) Specifications for mechanical ventilation and electrical power generating equipment,

(G) If liquified petroleum gas is used, a copy of a Nevada liquified petroleum gas inspection for the vehicle,

(H) Menu,

(I) The commercial business address where the mobile unit will be stored when not in use,

(J) A commissary service agreement that complies with 9-202 and provides the number of other FARMERs hours and services necessary for the operation, and

(K) Site-specific mobile units must also provide:

- (1) A letter of permission to the Health Authority for access to restrooms that are conveniently located and accessible for use by food handlers during all hours of operation, and
- (2) A lease agreement granting permission to operate on premises.

10-102 Construction Requirements

10-102.1 Prohibitions

- (A) Restrooms must not be built as an integral part of a Mobile Unit.
- (B) Freshwater and wastewater tanks must be built as an integral part of a Mobile Unit and are prohibited from being on the ground.
- (C) Permanent utility hook up is prohibited. The unit must be easily conveyable from place to place and return to the commissary whenever necessary for dumping wastewater and filling freshwater.

10-102.2 Mobile Unit Equipment and Structure

Mobile units must comply with the following when applicable:

- (A) The mobile unit must be fully enclosed and tall enough on the inside to stand upright, 6-foot minimum height.
- (B) A maximum of two service openings that are no larger than 18 inches square, with either hinged or slider windows located in a manner to protect the food from contamination. Service openings must either be self-closing or protected by mechanical air curtains.
- (C) Screens must be limited to ventilation windows, service openings and doors.
- (D) Cooling and ventilation must be sufficient to maintain the interior ambient air temperature of the mobile unit below 100 °F.
- (E) The freshwater holding tank connected to the 3-compartment sink and hand sink must be no less than 40 gallons in capacity, unless specified otherwise, and comply with Part 5-3 of these regulations and wastewater tanks must comply with Subpart 5-401 of these regulations. Water supplying more than one 3-compartment sink or handwashing sink may require increased water holding capacity. Water fixtures and tanks must meet the following requirements:
 - (1) Water pumps must activate automatically when water is dispensed from a fixture. Manually operated water pumps are prohibited.
 - (2) Shut off valves on wastewater tanks must be recreational vehicle waste valves.
 - (3) Tanks must be fitted with an electronic capacity indicator easily visible to the operator.
 - (4) There must be no outlet(s) for overflow on wastewater tanks. Wastewater tanks may be vented as outlined in 5-302.4 or by use of an air admittance valve.
 - (5) Mobile units that are low-risk food establishments may be approved to have a minimum of a 15-gallon freshwater tank.
- (F) Mobile Units must comply with all fuel gas and fire codes including, but not limited to, having an approved liquefied petroleum gas system with a leak detection alarm device installed when applicable.

- (G) Food equipment located on exterior attached patios of mobile units must be limited to a single unit of equipment that is inaccessible to the public.
- (H) Liquefied petroleum gas piping systems, tanks, valves, connectors, appliances, and related parts must be installed according to current regulations of the Nevada Board for the Regulation of Liquefied Petroleum Gas by properly licensed and certified individuals.
- (I) Electrical service, wiring, connections, panels, and associated parts of equipment must be installed by properly licensed individuals and be compliant with manufacturer installation specifications.

10-103 Mobile Unit Markings

- (A) The mobile unit must have the business name and business address or business phone number clearly visible on the back, left and right sides of the mobile unit.
- (B) The name on the mobile unit must be the same as the fictitious business name filed with business licensing.
- (C) Each mobile unit having the same business name must provide markings to include a unique vehicle number for each unit.
- (D) The lettering must be easily visible from 50 feet away, no less than 3 inches tall and in colors that contrast with the paint color of the vehicle.

10-2	Operational Requirements
Subparts	
10-201	Operational Restrictions

10-201 Operational Restrictions

A mobile unit must not:

- (A) Operate at a one location for more than four hours unless it:

 - (1) Is operating at a special event or farmers market, provided that copies of all FARMER's agricultural certificates are, or
 - (2) Has been issued a site-specific permit by the Health Authority,
- (B) Operate at one location for more than one hour except where restrooms are available by employees, or unless prior approval is granted by the Health Authority,
- (C) Place tables, chairs or accessory items in the surrounding area,
- (D) Cool TCS food,
- (E) Store open TCS food in the vehicle overnight, or
- (F) Accumulate solid waste in a manner that creates a cross-contamination hazard, nuisance, or attractant for pests.

10-3 Record Requirements

Subparts

10-301 Required Records for Mobile Units

10-301 Required Records for Mobile Units

The following records must be submitted to the Health Authority upon request or as specified below. Records are to be maintained onsite for no less than 90 calendar days.

(A) The PIC must submit a route sheet to the Health Authority monthly. Changes to the route sheet must be submitted, in writing, to the Health Authority within five business days. The route sheet must contain:

(1) The business name and available for review permit number of the mobile unit,

(2) The physical address for each stop, including for special events, and

(3) The date and estimated time of arrival and departure from each location.

(B) A valid commissary agreement letter,

(C) Permission letters, operational plans, or waivers associated with the permit, and

(D) Same-day receipts for food when applicable.

Commented [CS62]: Comment:
Please don't make this more strict than the current regulation.

Commented [CS63R62]: Changed to match current regulation

Commented [CS64]: Comment:
This is overly burdensome on businesses

Chapter 11 Open-Air Vendors

Parts

11-1 Permitting Requirements

11-2 Operational Requirements

11-3 Record Requirements

11-1	Permitting Requirements
Subparts	
11-101	Prerequisite for Operation
11-102	Equipment Requirements

11-1 Permitting Requirements

Open-air vendors must operate within the parameters set forth in Chapters 1-8 of these regulations unless specified otherwise in this chapter. This chapter describes additional requirements specific to open-air vendors. Prerequisite for Operation

The following must be submitted and approved prior to operating an open-air vendor permit:

- (A) A lease agreement granting permission to operate on premises,
- (B) Equipment specifications, plans, and menu,
- (C) A commissary service agreement that complies with Subpart 9-202 and provides the number of hours and services necessary for the operation, and
- (D) A letter of permission to the Health Authority for access to restrooms that are conveniently located and accessible for use by food handlers during all hours of operation.

11-101 Equipment Requirements

11-102.1 Open-Air Vendor Equipment and Design

Open-Air Vendors must:

- (A) Be limited to 200 square feet,
- (B) Provide an adequate number of handwashing sinks for open-food handling that meet the following criteria:
 - (1) A handwashing sink must be stocked with liquid hand soap in a pump dispenser, single-use paper towels, and maintained throughout the duration of the event,
 - (2) The handwashing sink must be located within 10 feet of the open-food handling area and ready for use prior to any open food handling,
 - (3) If portable, the handwashing sink must meet the requirements of Subpart 4-205,
 - (a) Provide a continuous flow of hot and cold running water without the use of a manual pump,
 - (b) Be self-contained, and
 - (c) Be equipped with an integral five-gallon minimum potable water supply tank and a wastewater storage tank that is at least 15% greater than the potable water supply,

Commented [CS65]: Corrected formatting issue (same content)

(C) Provide overhead protection for food preparation areas unless prohibited by fire code,

(D) If located outside:

(1) Operate on a surface such as asphalt or concrete and provide adequate groundcover to prevent environmental contamination from excessive food debris and grease buildup on the ground,

(2) Submit an outdoor control plan which describes how food will be protected from pests and during inclement weather conditions such as high wind or rain,

(3) Provide covers, lids, or doors for outdoor cooking equipment to protect food from contamination when it is left unattended, and

(4) Have equipment that is designed and capable of operating when the ambient temperature exceeds 100 °F.

(E) Be easily identifiable and have conspicuous name plates or other durable markings which match the permit name and number,

(F) Have equipment which is portable and easily conveyed to the commissary for cleaning and maintenance,

(G) Have no connections to a permanent utility such as water, sewer, gas, or power without approval from the agency of jurisdiction and the Health Authority, and

(H) Have a physical separation between patrons and open food preparation areas using partitions, food shields, planters, walls, or similar means.

11-102.2 Barbecue Equipment and Design

A barbecue must comply with §11-102.1 for open-air vendors and must:

(A) Have barbecue cooking equipment that is commercially manufactured and made from non-toxic, durable, cleanable, and rust-resistant materials. All other equipment associated with the barbecue permit must meet the requirements of section 4-205,

(B) Install a handwashing sink in the barbecue area if food service or preparation, other than cooking, is occurring,

(C) Be located within 50 feet of:

(1) A food establishment under the same permit holder that is capable of supporting the operation of the barbecue, or

(2) A mobile unit under the same permit holder that is capable of supporting the operation of the barbecue.

(D) Limit cooking equipment to commercially manufactured barbecue grills, smokers, rotisserie ovens, pizza ovens, or similar types of equipment,

(E) Provide protective storage for wood chips, bark, or other organic materials used for smoking and flavoring to prevent contamination, and

(F) Have a grease collection container or system for smokers and grills that prevents grease accumulation on the ground.

Commented [CS66]: Comment:
Please clarify the requirement for a handwashing sink at BBQ's.

11-2 Operational Requirements

Subparts

- 11-201 Operational Requirements for Open-Air Vendors**
- 11-202 Operational Requirements for Seasonal Permits**

11-201 Operational Requirements for Open-Air Vendors

Open-Air Vendors must:

- (A) Operate only at sites specified in the permit issued by the Health Authority,
- (B) Operate as a low-risk food establishment, unless approved to operate as a barbecue as described in 11-102.2 or a seasonal permit as described in 11-202 (B),
- (C) Conduct minimal food preparation on site,
- (D) Not conduct complex food processes such as cooling,
- (E) Not hold open TCS food for next-day service,
- (F) Submit menu changes that will result in a change to the equipment or the risk level to the Health Authority for approval prior to implementation,
- (G) Provide the Health Authority access to transportation or food storage vehicles utilized by the open-air vendor to ensure that the vehicle is maintained clean, free of trash, food debris, spills, insects, or any other source of contamination to the food or equipment, and
- (H) Provide a means to store and convey trash generated by the open-air vendor and consumers.

Commented [CS67]: Comment:
We should not have to report menu changes unless it results in a risk level or equipment change.

11-202 Operational Requirements for Seasonal Permits

- (A) Seasonal permits are only valid for periods up to 8 consecutive months of operation.
- (B) Seasonal permits must comply with all applicable sections of this regulation and once expired, must not be renewed until 12 months have elapsed from the start date of the previous operating period.
- (C) A Seasonal permit must operate as a low-risk food establishment unless it is located within 50 feet of:
 - (1) The contracted commissary, or
 - (2) A food establishment under the same permit holder that will provide the necessary support services to the seasonal operation.

11-3 Required Records

Subparts

- 11-301 Required Records for Open-Air Vendors**

11-301 Required Records for Open-Air Vendors

Open-Air Vendors must provide the following records to the Health Authority upon request:

Commented [CS68]: Comment:
Overly burdensome for operators. Make logs required on case by case basis for bad operators.

(A) A valid commissary agreement letter.

(B) Permission letters, operational plans, or waivers associated with the permit, and

(C) Same-day receipts for food when applicable.

Chapter 12 Catering

Parts

12-1 Permitting Requirements

12-2 Operational Requirements

12-1 Permitting Requirements

Subparts

12-101 Prerequisite for Operation

12-1 Permitting Requirements

Catering food establishments must operate within the parameters set forth in Chapters 1-8 of these Regulations unless specified otherwise in this chapter. This chapter describes additional requirements specific to catering food establishments.

12-101 Prerequisite for Operation

(A) A catering food establishment must provide an adequate number of handwashing sinks at the remote service site where open-food handling will occur. Handwashing sinks must:

- (1) Be stocked with liquid hand soap in a pump dispenser, single-use paper towels, and maintained throughout the duration of the event.
- (2) Be located within 10 feet of the open-food handling area and ready for use prior to any open food handling.
- (3) Be adequate in number and meet the following criteria:
 - (a) If portable, the handwashing sink must meet the requirements of Subpart 4-205.
 - (b) Provide a continuous flow of hot and cold running water without the use of a manual pump, and
 - (c) Be self-contained and equipped with an integral five-gallon minimum potable water supply tank and a wastewater storage tank that is at least 15% greater than the potable water supply.

(B) Food transport vehicles must be constructed, equipped, and maintained in a manner that protects all food, equipment, utensils, linens, single-service, and single-use articles from contamination.

12-2 Operational Requirements

Subparts

12-201 Operational Requirements

12-202 Food Temperature Monitoring Requirements

12-201 Operational Requirements

At the site of the catering event, catering food establishments must:

(A) Not perform complex food processes, including but not limited to cooling and par-cooking,

- (B) Prohibit TCS food served or displayed at an event from being re-served or held over for future service. Food that has been served or displayed must be left with the host or discarded at the conclusion of the event.
- (C) Provide the Health Authority access to transportation or food storage vehicles utilized by the caterer to ensure that the vehicle is maintained clean, free of trash, food debris, spills, pests, or any other source of contamination to the food or equipment.
- (D) Dispose of waste generated at the event prior to leaving the site unless other arrangements have been made with the host for proper disposal, and
- (E) Return soiled utensils, equipment, tableware, and linen to the commissary kitchen at the completion of the catered event for cleaning, sanitizing, and storage.

Chapter 13 Swap Meet and Farmers Markets

Parts

13-1 Permitting Requirements

13-2 Operational Requirements

13-1 Permitting Requirements

Subparts

13-101 Prerequisite for Operation

13-1 Permitting Requirements

(A) Swap meets and farmers markets must operate within the parameters set forth in Chapters 1-8 of these regulations unless specified otherwise in this chapter. This chapter describes additional requirements specific to swap meets and farmers markets.

(B) Food vendors and temporary food establishments may operate at a swap meet or farmers market if site requirements are met and support services are provided as specified in 13-101.2.

13-101 Prerequisite for Operation

13-101.1 Swap Meet and Farmers Market Manager

(A) Each swap meet or farmers market establishment must designate an operations manager who is responsible for ensuring that:

- (1) A PIC is on the premises during all hours of operation.
- (2) An up-to-date list of food vendors and temporary food establishments is provided to the Health Authority upon request.
- ~~(4)~~(3) A copy of the producers certificate for exempt farmers participating in the swap meet or farmers market is provided to the Health Authority upon request.
- (4) Health permits and grade cards are posted conspicuously as required.
- (5) Unpermitted food vendors or temporary food establishments and food establishments with a suspended permit are prohibited from operating at the swap meet or farmers market.
- (6) Animal attractions, animal pens, and petting zoos are at least 50 feet away from any food establishment or food establishment support area.
- (7) The premises are maintained such that there is no overflowing trash, wastewater, sewage, or other nuisance condition present.
- (8) There is a surplus of liquid soap and disposable towels for use in restroom facilities and all site requirements and support services are in compliance with these regulations, and
- (9) There is a resource recovery plan implemented such that cardboard, glass, plastic bottles, and aluminum is collected and recycled if there are greater than 5000 patrons in attendance per day.

13-101.2 Support Services

Commented [CS69]: An event with 500 people per day is too small to require recycling

Newly constructed or substantially remodeled swap meets must have an onsite commissary if they contract with or lease space to three or more food vendors that handle TCS foods. The swap meet must provide access to the necessary support services for all contracted food vendors.

13-101.3 Farmers Market Certified Producer

(A) Farmers markets must have at least one farmer who possesses a valid producer certificate for farm products being sold, offered or displayed for sale, or served.

(B) A vendor may sell farm products of another farmer provided that a copy of the producer certificate or same-day receipts are available upon request for farm products being sold, offered or displayed for sale, or served.

(C) Farmers are exempt from associated PERMIT fees, as specified in NRS 576.128, as long as obtaining a health permit only if the farmer sells only farm products in their natural and unprocessed state. The Health Authority reserves the right to conduct surveys to verify exempt/exemption status.

The FARMER shall

(D) Farmers must store, handle, and display PRODUCE farm products in a manner which does not allow prevents adulteration, or create the creation of a public health hazard or nuisance.

FARMERS shall provide _

13-101.4 Site Location

- (2) Each swap meet and use clean waterproof tarps, or standard pallets, for storing their FARM PRODUCTS on grass, graded SMOOTH asphalt or concrete graded to drain.
- (3) FARM PRODUCTS shall not be stored in any area exposed to run on or run off farmers market establishment must have an adequate number of water or SEWAGE.
- (4) 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 permanently plumbed restrooms that prevents CONTAMINATION from any source.

13-302 Sampling of FARM PRODUCTS

13-302.11 Certified PRODUCERS

(A) FARMERS who prepare and offer samples of FARM PRODUCTS for which they hold PRODUCER's certificates, except for whole, intact fruits or vegetables shall apply for, and obtain, a health PERMIT from the HEALTH AUTHORITY prior to operation.

(1) In addition to the general meet the requirements for all certified PRODUCERS, the FARMERS who sample shall comply with the requirements in this Section and applicable sections of Section 13-401 of this Chapter.

(B) Sample preparation requirements:

(1) The preparation of samples is limited to the peeling, cutting, or portioning of FARM PRODUCTS.

(2) Raw FARM PRODUCTS shall be thoroughly rinsed with potable running water at the booth under a gravity fed water dispenser with a spigot labeled "PRODUCE only." A drain bucket or similar device shall be placed under the water dispenser to contain runoff.

~~13-303~~ **PROCESSED FARM PRODUCTS**

~~13-303.11~~ **PERMIT Requirements**

~~FARMERS who sell PROCESSED FARM PRODUCTS shall apply for, and obtain, a health PERMIT from the HEALTH AUTHORITY prior to operation.~~

- ~~(A) 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. Such PERMIT shall be provided to the HEALTH AUTHORITY and displayed conspicuously at the point of sale.~~
- ~~(B) 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 provided to the HEALTH AUTHORITY and displayed conspicuously at the point of sale.~~
- ~~(C) In addition to the general requirements for all certified PRODUCERS, the FARMERS who sell PROCESSED FARM PRODUCTS shall comply with the requirements of this Section and applicable sections of Section 13-401 of this Chapter.~~

~~13-303.12~~ **APPROVED SOURCE**

~~All FOOD ingredients used in manufacture, preparation, and packaging shall be obtained from APPROVED SOURCES that comply with federal, state, and local LAWS.~~

~~13-303.13~~ **Labeling Requirements:**

~~PROCESSED FARM PRODUCTS shall not be MISBRANDED and shall be labeled in accordance with Chapter 3-601 and 3-602 of Chapters 5 and 6 of these regulations.~~

Requirements for Ancillary Food Establishments Associated with Farmer's Markets

Subparts

101 General Operating Requirements for Ancillary Food Establishments 13-402

Additional Requirements for High-Risk Ancillary Food Establishments

~~13-401~~ **General Operating Requirements for ANCILLARY FOOD ESTABLISHMENTS 13-401.11**

Compliance

~~The FOOD ESTABLISHMENT shall comply with the requirements specified in this Chapter and may be subject to other Sections and Chapters of these Regulations.~~

- ~~(A) The HEALTH AUTHORITY may impose additional requirements to protect the public from potential HAZARDS related to the operation of such establishments.~~
- ~~(B) The HEALTH AUTHORITY may RESTRICT FOOD menu items or may prohibit the sale of any POTENTIALLY HAZARDOUS FOOD (TCS) which may put the public at RISK of disease or injury.~~

~~13-401.12~~ **PERSON IN CHARGE**

- ~~(A) Each FOOD ESTABLISHMENT shall have a designated PERSON IN CHARGE responsible for knowledge of, and compliance with, these Regulations. The PERSON IN CHARGE shall be ON SITE and accessible. Restrooms must be available for use by food handlers during all hours of operation of the FOOD ESTABLISHMENT. Facilities without a PERSON IN CHARGE shall not be APPROVED to open. 13-401.13 FOOD Source.~~

- ~~(A) All FOOD shall be obtained from an APPROVED SOURCE acceptable to the HEALTH AUTHORITY. Home-canned FOOD is prohibited.~~
- ~~(B) No preparation or storage of FOOD shall occur at a private residence or anywhere other than at a PERMITTED FOOD ESTABLISHMENT.
 - ~~(1) Written documentation from the PERMITTED FOOD ESTABLISHMENT/COMMISSARY, granting storage at their locations, shall be provided to the HEALTH AUTHORITY.~~
 - ~~(2) In the absence of a PERMITTED FOOD ESTABLISHMENT, same day receipts for all FOOD shall be available ON-SITE for review by the HEALTH AUTHORITY upon request.~~~~
- ~~(C) Ice, which is intended for human consumption or cooling purposes, shall be obtained from an APPROVED SOURCE.~~

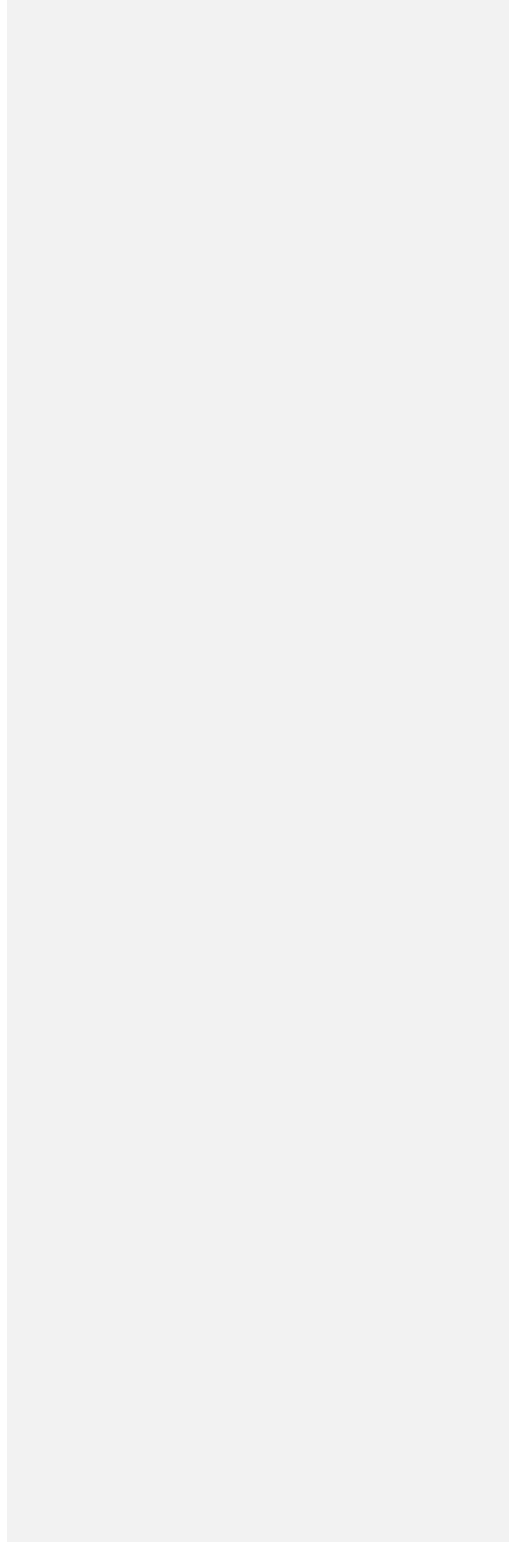
~~13-401.14~~ **FOOD Preparation**

~~All FOOD handling and preparation shall take place within the ANCILLARY FOOD ESTABLISHMENT unless prepared at a permanent FOOD ESTABLISHMENT having a current PERMIT.~~

~~13-401.15~~ **FOOD Protection and Storage**

- ~~(A) During transport and storage, all FOOD shall be protected from CONTAMINATION, and held within required~~

| ~~safe temperatures, as set forth in these Regulations.~~



- ~~(B) All FOOD, FOOD CONTACT SURFACES, and SINGLE SERVICE ARTICLES shall be stored at least 6" off the ground.~~
- ~~(C) All FOOD shall be covered or shielded to protect from dust, dirt, insects, vermin, patrons, and other sources of CONTAMINATION.~~
- ~~(D) Animals are prohibited in FOOD preparation and storage areas.~~
- ~~(E) CONDIMENTs shall be dispensed in single service type packaging, or from commercially PACKAGED squeeze bottles, shakers, or dispensers APPROVED by the HEALTH AUTHORITY.~~
- ~~(F) Samples shall be dispensed by means that prevent patrons from contaminating other samples. Sampling methods may include:~~
- ~~(1) Individually wrapped portions.~~
 - ~~(2) Tongs.~~
 - ~~(3) Toothpicks.~~
 - ~~(4) Units that dispense one sample at a time.~~
 - ~~(5) Separation by use of deli paper or cups.~~
 - ~~(6) A FOOD HANDLER dispensing a sample into the patron's hands by use of a gloved hand or UTENSILs.~~
 - ~~(7) Other methods as APPROVED by the HEALTH AUTHORITY.~~
- ~~(G) FOOD dispensing UTENSILs shall be stored in a manner that protects UTENSILs and FOOD from CONTAMINATION. Storage methods may include:~~
- ~~(1) UTENSILs in the FOOD with their handles above the top of the FOOD container.~~
 - ~~(2) On a clean, dry, EASILY CLEANABLE surface.~~
 - ~~(3) In a clean, dry container.~~
- ~~(H) Ice, intended for use in BEVERAGEs, shall be stored separately from ice used for all other purposes, and shall be dispensed by an APPROVED scoop with a handle, as specified in Paragraph (G) of this Section.~~
- ~~(I) Ice used to maintain cold FOOD at 41° F±2°, or below, shall not subsequently be used as drinking ice. Ice used for cold holding purposes:~~
- ~~(1) Shall not come in direct contact with FOOD.~~
 - ~~(2) Shall have adequate drainage to prevent the pooling of water.~~
 - ~~(3) Shall not be used for human consumption.~~
- ~~(J) Chemicals shall be stored separate and below all FOOD and FOOD EQUIPMENT.~~
- ~~(1) Only those POISONOUS OR TOXIC MATERIALS necessary for maintaining the establishment, cleaning and sanitizing EQUIPMENT and UTENSILs, and controlling vermin may be present at a FARMER's MARKET.~~
 - ~~(2) Containers of POISONOUS OR TOXIC MATERIALS shall be prominently and distinctly labeled for easy identification of the contents.~~
 - ~~(3) POISONOUS OR TOXIC MATERIALS may not be used in a way that contaminates FOOD, EQUIPMENT, 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, or possibly contaminate any FOOD or FOOD product surface.~~
- ~~(K) To protect FOOD from CONTAMINATION, FOOD preparation and cooking EQUIPMENT shall not be stored in areas accessible to the public.~~
- ~~(L) All open FOOD preparation, storage, and display surfaces shall be SMOOTH and EASILY CLEANABLE.~~

13 401.16 Hygienic Practices Requirements and Associated EQUIPMENT

- ~~(A) A HAND WASHING SINK shall be readily accessible within the FOOD ESTABLISHMENT, and not more than 10' away from the FOOD preparation area. The HAND WASHING SINK shall be in place, properly equipped, and ready for use prior to any open FOOD handling. Each ANCILLARY FOOD ESTABLISHMENT that handles open FOOD shall have an operable HAND WASHING SINK at its place of business, properly equipped, and ready for use prior to any open FOOD handling. A HAND WASHING SINK is not required if the only FOOD items offered are commercially PRE PACKAGED FOOD and BEVERAGEs that are dispensed in their original unopened containers, without sampling. All facilities requiring a HAND WASHING SINK shall have, at a minimum:~~
- ~~(1) A portable HAND WASHING SINK provided with tempered, 90°F±2°-110°F±2°, running water which drains to an enclosed integral waste water tank, or if a portable or plumbed HAND WASHING SINK is not available, a container with a hands free pressurized flow of tempered water into a wash~~

basin. Such hand washing set-ups must have a sufficient amount of hot water generating or holding capacity of no less than 5 gallons of potable water.

- (2) Liquid hand soap, in a pump dispenser, as well as single use paper towels dispensed in a sanitary manner, shall be available at the HAND WASHING SINK.
- (3) Waste water from the hand washing process shall drain into a designated container large enough, but no less than 5-gallon capacity, to prevent splash or overflow. The waste water container shall be emptied as needed into a sanitary sewer.
- (4) A waste receptacle shall be located near the HAND WASHING SINK for disposal of paper towels.
- (5) Hand sanitizers and single service gloves may be used, but are not a substitute for hand washing.
- (B) As a minimum, FOOD service workers shall wash their hands:
 - (1) Before entering FOOD preparation and FOOD service areas.
 - (2) Immediately before engaging in any FOOD preparation.
 - (3) Before and after glove use, if gloves are used.
 - (4) After smoking, eating, handling raw FOOD, or using the toilet.
 - (5) As often as necessary to remove soil and CONTAMINATION and to prevent CROSS-CONTAMINATION
- (C) Unless prior operational procedures are APPROVED by the HEALTH AUTHORITY, FOOD HANDLERS shall eliminate bare hand contact with READY TO EAT FOOD and minimize bare hand contact with other open FOOD by suitable means including but not limited to deli paper, spatulas, tongs, single use gloves, or dispensing EQUIPMENT. The use of single use gloves or UTENSILS is not a substitute for required hand washing. A guidance document is provided in Appendix K.
- (D) Eating in the FOOD ESTABLISHMENT shall be RESTRICTED to designated areas away from all FOOD preparation and storage areas.
 - (1) FOOD HANDLERS' BEVERAGES shall be in a closed container, with a spout or straw, and stored away from FOOD and FOOD CONTACT SURFACES.
- (E) All FOOD HANDLERS shall wear clean clothing or provide an adequate supply of clean aprons when handling open FOOD.
- (F) Any PERSON not directly involved in the operation of a FOOD ESTABLISHMENT shall be RESTRICTED from FOOD preparation and FOOD service areas.

401.17 Cleaning and Sanitizing of UTENSILS and EQUIPMENT

- (A) An APPROVED sanitizing solution, in a labeled container, shall be available prior to any open FOOD handling.
 - (1) APPROVED sanitizer solutions in water include 50-100 ppm chlorine (bleach), or at a concentration specified by the manufacturer, quaternary ammonium compound applied at a concentration specified by the manufacturer, or 12.5 ppm iodine, or at a concentration specified by the manufacturer,
 - (2) Appropriate test strips shall be available and used to measure the concentration of the sanitizer.
 - (3) Clean wiping cloths shall be used for frequent sanitizing of FOOD CONTACT SURFACES and EQUIPMENT, and shall be stored in the sanitizing solution when not in use.
- (B) EQUIPMENT and UTENSILS shall be washed, rinsed, and sanitized at least once every four hours, or replaced after four hours.
 - (1) When available ON SITE, a three-compartment sink or a commercial dishwashing machine plumbed with hot and cold water shall be used to wash, rinse, and sanitize FOOD service UTENSILS and EQUIPMENT.
 - (2) As a minimum, a WARE WASHING facility shall have:
 - (a) 3 basins, large enough for ½ immersion of the largest EQUIPMENT and UTENSILS.
 - (b) An adequate supply of potable water.
 - (c) An APPROVED disposal system for waste water.
 - (3) Sequence for manual WARE WASHING shall be to:
 - (a) Wash in the first basin with a clean solution of detergent and water, with a minimum temperature of 110°F±2°.
 - (b) Rinse in the second basin filled with clean water.
 - (c) Sanitize in the third basin by immersion for a minimum of one minute, or as directed by the manufacturer, in an APPROVED sanitizing solution.
 - (d) Air dry in a sanitary manner.
 - (e) Change water solutions as necessary and as specified in this Section.
- (C) FOOD ESTABLISHMENTS, lacking ON-SITE WARE WASHING capability, shall maintain a sufficient supply of

~~clean and sanitized UTENSILS and/or EQUIPMENT to provide for the required replacement at least every four hours.~~

(1) Soiled UTENSILS/EQUIPMENT shall be properly segregated so as not to cross-contaminate FOOD, or clean FOOD CONTACT SURFACES, until transported to a PERMITTED FOOD ESTABLISHMENT/COMMISSARY for proper cleaning and sanitizing.

(D) Clean UTENSILS shall be stored in a sanitary manner.

~~13-401.18 FOOD ESTABLISHMENT General Site Requirements~~

(A) The FOOD ESTABLISHMENT shall be constructed and located to minimize the RISK of FOOD CONTAMINATION from external sources including but not limited to SEWAGE, flooding, dust, insects, and vermin.

(B) The floor, ground, or ground cover shall be maintained to minimize CONTAMINATION from dust, insects, and water, and be graded to drain away from the FOOD ESTABLISHMENT.

(C) Where a temporary structure is provided it shall be constructed in a manner to prevent CONTAMINATION of FOOD, and FOOD CONTACT SURFACES.

(D) Heating and cooking and storage EQUIPMENT shall be located in an area inaccessible to the public.

~~13-401.19 Water Supply~~

An adequate supply of potable water shall be available for cooking purposes, hand washing, and cleaning and sanitizing of EQUIPMENT, UTENSILS, and FOOD CONTACT SURFACES. A public water supply shall be protected with the appropriate backflow prevention device.

~~13-401.20 Waste Water~~

Waste water shall not be dumped onto the ground surface, into waterways, or into storm drains.

(A) Locations with a potable water fixture under pressure shall be drained into a permanent sanitary sewer.

(B) Locations without a potable water fixture under pressure shall collect all waste water in water tight containers adequately sized for the type of operation. Waste water from containers shall be disposed directly into a sanitary sewer.

~~13-401.21 Solid Waste~~

(A) Solid waste generated at a FOOD ESTABLISHMENT shall be disposed in a manner to prevent excessive accumulation.

(B) Each vendor shall provide a waste container(s) at their booth/stand.

~~13-401.22 Lighting~~

(A) A minimal lighting level of 35 foot-candles, of natural or artificial light, shall be provided on all work surfaces in FOOD handling areas.

(B) Shielding to contain broken glass shall be used for all artificial lighting fixtures that are located over all FOOD handling and FOOD storage areas.

~~13-402 Additional Requirements for High-RISK ANCILLARY FOOD ESTABLISHMENTS 13-402.11-~~

~~FOOD Preparation for HIGH-RISK FOODS~~

(A) POTENTIALLY HAZARDOUS FOOD (TCS), served at the FOOD ESTABLISHMENT, shall be prepared and served on the same day and shall not be held for service on any subsequent day.

(B) FROZEN FOOD shall be thawed by one of the following APPROVED methods:

(1) Under refrigeration.

(2) In an ice chest, provided the FOOD is maintained at 40° F±2° or colder.

(3) As part of the cooking process.

~~13-402.12 CROSS-CONTAMINATION from Raw Animal Products~~

FOOD shall be protected from CROSS-CONTAMINATION by keeping raw animal products away from READY-TO-EAT FOOD during transportation, storage, preparation, holding, and display.

(A) The same ice chest may not be used for the storage of both raw animal products and READY-TO-EAT FOOD.

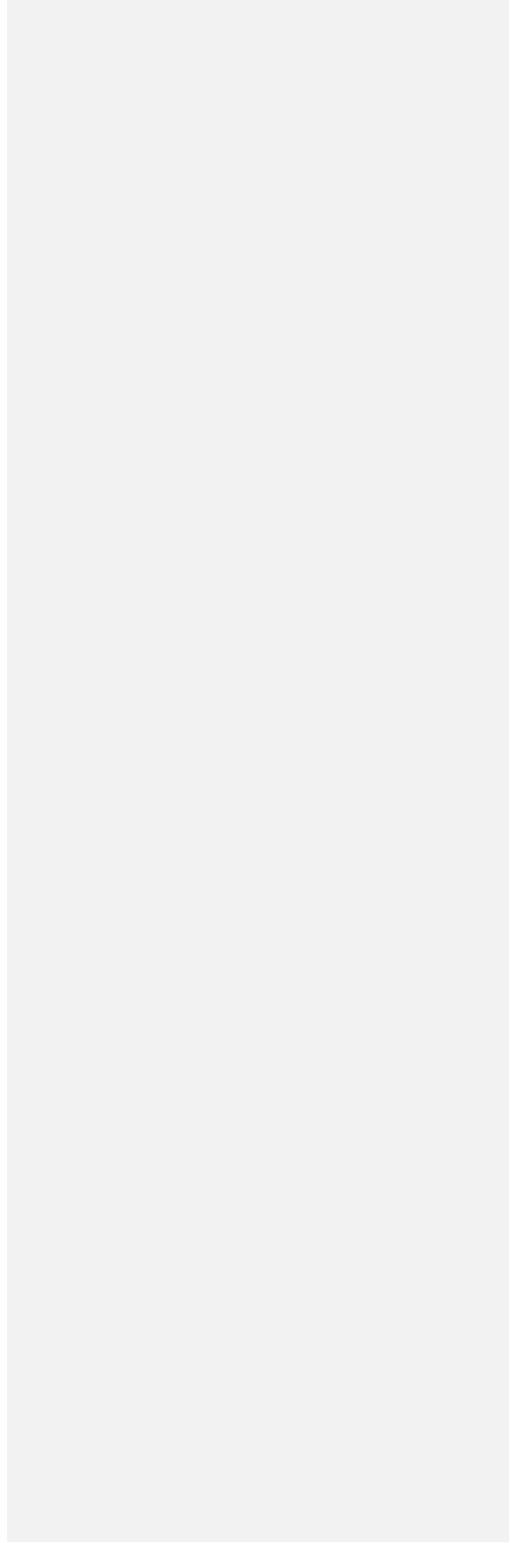
(B) EQUIPMENT and UTENSILS shall be thoroughly cleaned and sanitized between being used for raw animal products and READY-TO-EAT FOOD.

(C) When WARE WASHING facilities are not available, an adequate supply of clearly identified EQUIPMENT and UTENSILS shall be provided for use on raw animal products.

~~13-402.13 FOOD Cooking, and Holding and Service EQUIPMENT~~

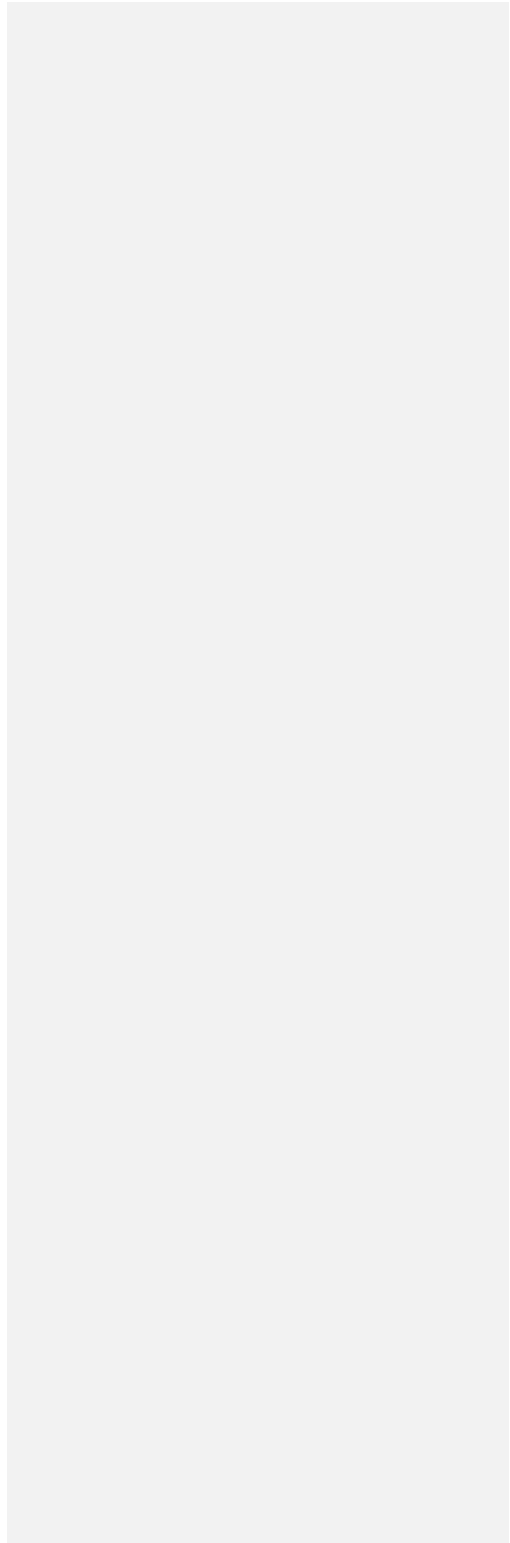
(A) All FOOD cooking, and holding and service EQUIPMENT shall be constructed of non-toxic materials, including but not limited to, specifications in Chapter 4-201.11 of these Regulations, and maintained clean,

| ~~in good repair, and in such condition as not to present a RISK to public health.~~



- ~~(B) The HEALTH AUTHORITY shall RESTRICT FOOD at an event if adequate facilities are not available and functioning properly to maintain FOOD at required temperatures.~~
 - ~~(C) An appropriately sized calibrated stem thermometer, with a range of 0-220°F±2°, shall be available and used to monitor the temperature of POTENTIALLY HAZARDOUS FOOD (TCS).~~
 - ~~(D) Adequate EQUIPMENT shall be provided to maintain hot FOOD at a temperature of 135°F±2°, or above, during storage, display, and service. APPROVED EQUIPMENT includes, but is not limited to, steam tables, hot boxes, grills, and chafing dishes.~~
 - ~~(E) Adequate EQUIPMENT shall be provided to maintain cold FOOD at a temperature of 41°F±2°, or below, during storage, display and service. In cold storage units, a thermometer or temperature gauge, accurate to ±2°F, shall be conspicuously placed in the warmest area. APPROVED EQUIPMENT includes but is not limited to mechanical refrigeration units and ice chests with a drain.~~
 - ~~(F) Stored FROZEN FOOD shall be maintained frozen solid.~~
- 13-402.14 Cooking, Reheating and Hot Holding of PHF (TCS)**
- ~~(A) Unless requested by a customer, and unless a CONSUMER advisory is properly posted, raw animal FOOD including but not limited to EGGS, FISH, MEAT, POULTRY, and FOOD containing these raw animal FOOD shall be cooked to heat all parts of the FOOD to a temperature and for the time as listed below:
 - ~~(1) Raw animal FOOD, including but not limited to POULTRY, BALUTS and wild GAME ANIMALS, shall be cooked to at least 165°F±2° for at least 15 seconds, except:
 - ~~(a) COMMINUTED and ground MEAT including but not limited to hamburger, shall be cooked to at least 155°F±2° for at least 15 seconds.~~
 - ~~(b) COMMINUTED FISH products, commercially raised GAME ANIMALS, RATITES and pork shall be cooked to at least 155°F±2° for at least 15 seconds.~~
 - ~~(c) INJECTED and MECHANICALLY TENDERIZED MEAT, shall be cooked to at least 155°F±2° for at least 15 seconds.~~
 - ~~(d) Raw EGGS, not cooked for immediate use, shall be cooked to at least 155°F±2° for at least 15 seconds.~~
 - ~~(e) Raw EGGS, cooked for immediate service, shall be cooked to at least 145°F±2° for at least 15 seconds.~~
 - ~~(f) FISH, seafood, and MEAT including commercially raised GAME ANIMALS, shall be cooked to at least 145°F±2° for at least 15 seconds.~~~~
 - ~~(2) Stuffed FOOD shall be cooked to at least 165°F±2° for at least 15 seconds.~~~~
 - ~~(B) Whole beef roasts, corned beef roasts, pork roasts, and cured pork roasts, including but not limited to ham, shall be cooked in a pre-heated oven and to an internal temperature of 145°F±2°, or held at 130°F±2° for at least 112 minutes, or to a temperature as provided in the guidance document provided in Appendix C.~~
 - ~~(C) 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 brochures, labels, table tents, placards, deli case or menu advisories, or other effective written means of the significantly increased RISK associated with consumption by certain vulnerable CONSUMERS. Such FOOD shall be marked by an asterisk or described on the menu. This Section does not apply to APPROVED smoked or cured animal FOOD. The following language will satisfy the CONSUMER advisory requirement: Thoroughly cooking FOOD of animal origin, including but not limited to beef, EGGS, FISH, lamb, milk, POULTRY, or SHELLSTOCK reduces the RISK of FOOD BORNE ILLNESS. Young children, the elderly, and individuals with certain health conditions may be at a higher RISK if these FOODS are consumed raw or undercooked.~~
 - ~~(D) POTENTIALLY HAZARDOUS FOOD shall be held at 135°F±2° or above.~~
 - ~~(E) PHF (TCS) that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 165°F±2° for 15 seconds.~~
 - ~~(F) Reheating for hot holding shall be done rapidly with the time the FOOD is between the temperatures of 41°F±2° and 135°F±2° not to exceed two hours.~~
 - ~~(G) READY TO EAT FOOD taken from a commercially processed, HERMETICALLY SEALED CONTAINER, or from an intact package from a FOOD PROCESSING ESTABLISHMENT that is inspected by the HEALTH~~

| AUTHORITY



~~or AGENCY OF JURISDICTION of the ESTABLISHMENT, shall be heated to a temperature of at least 135°F±2° for hot holding.~~

~~13-501~~ — Exclusions

~~13-501.11~~ Prohibitions

~~The below items are prohibited from being offered and/or sold at a FARMER'S MARKET:~~

- ~~(A) — Milk, milk products, REDUCED-OXYGEN PACKAGING products, raw FISH, and raw SHELLSTOCK.~~
- ~~(B) — Leftover FOOD products.~~
- ~~(C) — Non-dairy creaming, whitening, or whipping agents that are reconstituted on the PREMISES.~~
- ~~(D) — Any FOOD products returned by a customer.~~
- ~~(E) — PACKAGED ice.~~
- ~~(F) — Re-use of metal cans, or other such FOOD containers, for the purpose of cooking, preparing, or storing FOOD.~~
- ~~(G) — Dumping wash water, rinse water, or waste water onto the ground.~~
- ~~(H) — Rinsing of FOOD and UTENSILS in HAND WASHING SINKS.~~
- ~~(I) — Any PHF (TCS) /FARM PRODUCTS, displayed for exhibit purposes, shall not be sold.~~
- ~~(J) — FOOD products from a foreign country.~~
- ~~(K) — FOOD prepared or processed at an unAPPROVED SOURCE.~~
- ~~(L) — Uncertified non-graded whole shell EGGs.~~
- ~~(M) — Common cloth towels used for hand washing.~~

Chapter 14

Seasonal Food Establishment

Parts

~~14-1 Definitions~~

~~14-2 Plan Review~~

~~14-3 Food Protection~~

~~14-4 Sanitation Requirements~~

~~14-5 Personnel~~

~~14-101 Purpose~~

~~The purpose of this type of HEALTH PERMIT is to allow FOOD ESTABLISHMENTS to serve FOOD to the public on a routine basis for a period of time that is less than an annual HEALTH PERMIT and the FOOD service and handling are limited by the HEALTH AUTHORITY to preserve FOOD safety to the maximum extent possible.~~

~~14-102 Applicability and Listing of Terms~~

~~14-102.11 Interpretation and Application of Terms~~

~~The following definitions shall apply in the interpretation and application of this Chapter.~~

~~14-103 Definitions~~

~~KIOSK means a semi-permanent structure, within a permanent facility, serving FOOD to the public, where FOOD and UTENSILS may also be stored, and KITCHENWARE cleaned on-site or in the support COMMISSARY.~~

~~SEASONAL FOOD ESTABLISHMENT means a facility providing FOOD to the CONSUMER, operated by the PERSON listed on the HEALTH PERMIT, and in a single designated location. The HEALTH PERMIT is valid for the designated season between 120 and 240 days and not necessarily associated with any special event.~~

~~14-201 PERMIT~~

~~14-201.11 Application~~

~~The applicant shall:~~

~~(A) Make written application for the type of Seasonal PERMIT, with specific dates of operation, on forms provided by the HEALTH AUTHORITY. Types of seasons may include, but are not limited to, little league, football, summer concert series, etc.~~

~~(B) Provide a sample menu, including ingredients, of the FOOD to be served.~~

~~(C) Provide a description of the EQUIPMENT to be used.~~

~~(D) Provide properly developed plans as applicable to the location.~~

~~14-202 COMMISSARY~~

~~14-202.11 Requirements~~

~~Commissaries shall meet the EQUIPMENT and structural requirements for a FOOD ESTABLISHMENT as provided in FOOD Service ESTABLISHMENT Plan Review Requirements for EQUIPMENT and Facilities and as specified in these Regulations.~~

~~14-203 Seasonal Permits~~

~~14-203.11 Types~~

~~Seasonal FOOD service PERMITS are subcategorized by location and FOOD type, including but not limited to; indoor, outdoor, pool-deck area, PACKAGED non-PHF (TCS), PACKAGED PHF (TCS), open non-PHF (TCS) and open PHF (TCS).~~

~~14-203.12 General Requirements~~

All Seasonal PERMITS shall:

- (A) Meet all applicable requirements of these Regulations.
- (B) Be site specific and have written authorization from the property owner.
- (C) Have NSF/ANSI or equivalent EQUIPMENT, wares, and FOOD-CONTACT SURFACES where applicable.
- (D) Have access to an approvable restroom with hot and cold water under pressure, dispenser fed soap and towels, and where applicable be ventilated with a self closing door. The applicant shall have written permission from the property owner for use of restroom facilities that are accessible during all hours of operation.
- (E) Have a written use agreement with a PERMITTED COMMISSARY or a support kitchen.
- (F) Have FOOD transport EQUIPMENT that is NSF/ANSI or equivalent and capable of maintaining the required temperatures.
- (G) Have a minimum of 35 foot-candles of natural or artificial light in all FOOD handling areas. Shielding to contain broken glass shall be used for all artificial light fixtures that are located over, by, or within all FOOD handling areas.

14-203.13 Seating

SEASONAL FOOD PERMITS shall not provide seating for the consumption of FOOD purchased at the SEASONAL FOOD ESTABLISHMENT.

14-203.14 Specific Requirements

- (A) PACKAGED non-PHF (TCS) may be exempt from Plan Review. An operational inspection shall be conducted to verify that:
 - (1) Packages remain SEALED and sampling of product does not occur.
 - (2) Procedures are in place to maintain FOOD off the ground or floor.
- (B) PACKAGED PHF (TCS) requires Plan Review in addition to a field inspection. Requirements include:
 - (1) Packages shall remain SEALED and sampling of product does not occur.
 - (2) Procedures are in place to maintain FOOD off the ground or floor.
 - (3) NSF/ANSI or equivalent refrigeration or hot holding EQUIPMENT with an APPROVED power source.
- (C) Open non-PHF (TCS) requires Plan Review and a field inspection. Requirements include:
 - (1) Procedures are in place to maintain FOOD off the ground or floor.
 - (2) That NSF/ANSI or equivalent refrigeration or hot holding EQUIPMENT with an APPROVED power source to be used.
 - (3) A self-contained or permanently plumbed HAND WASHING SINK with hot and cold water service under pressure. The self-contained HAND WASHING SINK shall be NSF/ANSI or equivalent and shall be capable of containing at least 5 gallons of potable water, 2.5 gallons of hot water and 7.5 gallons of waste water.
 - (4) Outdoor operation shall have overhead protection.
 - (5) Both indoor and outdoor operations shall provide APPROVED shielding of the FOOD from customers.
- (D) Open PHF (TCS) require preliminary plan review and a field inspection. Requirements include:
 - (1) Procedures are in place to maintain FOOD off the ground or floor.
 - (2) That NSF/ANSI or equivalent refrigeration or hot holding EQUIPMENT with an APPROVED power source to be used.
 - (3) A self-contained or permanently plumbed HAND WASHING SINK with hot and cold water service under pressure. The self-contained HAND WASHING SINK shall be NSF/ANSI or equivalent and shall be capable of containing at least 5 gallons of potable water, 2.5 gallons of hot water, and 7.5 gallons of waste water.
 - (4) A comprehensive operational FOOD handling plan for all the steps required to process each PHF (TCS) product may be required to include:
 - (a) The amount of time required for each step.
 - (b) The amount of time required between steps.
 - (c) Proposed temperatures of the FOOD product.
 - (d) Length of time required to heat a FOOD product.
 - (e) The details of handling the FOOD by FOOD HANDLERS of the FOOD ESTABLISHMENT.
 - (5) Outdoor operations shall have overhead protection.
 - (6) Both indoor and outdoor operations shall provide APPROVED shielding of the FOOD from customers.

~~(7) EQUIPMENT and UTENSILS shall be washed, rinsed, and sanitized or replaced at least once every four hours, or more often if necessary. WARE WASHING facilities, if provided, shall be maintained~~

as specified in Chapter 4 of these Regulations. The sink shall have hot water at a minimum temperature of 110°F±2°, and cold running water which drains to an APPROVED method of waste water disposal. If a three compartment sink is not available on site, a WARE WASHING facility shall be available that has:

- (a) Three basins, large enough for 1/2 immersion of the largest EQUIPMENT and UTENSILS.
- (b) An adequate supply of hot and cold potable water.
- (c) An APPROVED disposal system for waste water.

~~(E) Pool deck SEASONAL FOOD ESTABLISHMENT PERMITS shall also meet the requirements of MAC 444.288. The following requirements shall be met for all operations on pool decks and within pool barriers:~~

- ~~(1) No glass or breakable items shall be allowed except that glass liquor and mixer bottles under the control of a FOOD HANDLER are acceptable.~~
- ~~(2) Bar/FOOD units shall be located remotely from the edge of the pool on the raised rear deck area if available.~~
- ~~(3) Work stations shall not obstruct access to the pool deck, or to necessary fixtures, including but not limited to showers and water fountains.~~
- ~~(4) Work stations shall not be placed in any location where there is standing water.~~
- ~~(5) Work stations shall be broken down, covered, protected, and stored when not in use.~~
- ~~(6) All electrical connections for work stations shall be GFCI protected and testable, and temporary electrical runs shall not pass across walkways used by bathers or in wet areas such deck drains.~~
- ~~(7) An operational plan shall be completed and shall address all of the above including a statement that management will not permit FOOD or drink to be consumed within 4' of any pool or spa.~~

~~14-204~~ ~~Menu~~

~~14-204.11 RESTRICTIONS~~

~~For profit and non profit applicants not fulfilling the facility and EQUIPMENT requirements, as specified in Paragraph 14-2 of this Chapter, shall be subject to menu or category RESTRICTIONS as determined by the HEALTH AUTHORITY.~~

~~14-301~~ ~~FOOD Source~~

~~14-301.11 FOOD~~

- ~~(A) All ingredients used in FOOD, including water and ice, prepared in a SEASONAL FOOD ESTABLISHMENT shall be from an APPROVED SOURCE.~~
- ~~(B) FOOD found to be in unacceptable condition cannot be used as ingredients in FOOD offered for sale by a SEASONAL FOOD ESTABLISHMENT and shall be either discarded or returned for credit to the provider.~~
- ~~(C) No FOOD prepared or stored in a private residence or house may be used, stored, served, offered for sale, sold, or given away in a SEASONAL FOOD ESTABLISHMENT as prohibited by NRS 446.870.~~

~~14-302~~ ~~FOOD STORAGE and Transportation~~

~~14-302.11 FOOD~~

- ~~(A) Shall be stored in an APPROVED COMMISSARY or PERMITTED FOOD ESTABLISHMENT.~~
- ~~(B) Shall comply with all storage requirements listed in Chapter 3 of these Regulations.~~
- ~~(C) Shall be transported in a manner that maintains the correct temperature of the FOOD and prevents CROSS CONTAMINATION during transport.~~

~~14-303~~ ~~FOOD Preparation, Holding, Display, and Service~~

~~14-303.11 Requirements~~

~~FOOD preparation, holding display, and service shall~~

~~Each swap meet all requirements in Chapter 3 of these Regulations.~~

~~14-303.12 Menu Changes~~

~~Upon menu approval from the HEALTH AUTHORITY, during the Plan Review process, any subsequent menu/EQUIPMENT changes shall be submitted and APPROVED by the HEALTH AUTHORITY prior to implementation.~~

14-303.13 Records

~~When a Seasonal PERMIT HOLDER is required to have a COMMISSARY which is owned by another operator, a Service Log outlining the following information shall be maintained:~~

- ~~(A) The business name of the Seasonal PERMIT HOLDER.~~
- ~~(B) The health PERMIT number.~~
- ~~(C) The business name, address, phone number, and health PERMIT number of the COMMISSARY.~~
- ~~(D) The log shall include:
 - ~~(1) Date.~~
 - ~~(2) Time In.~~
 - ~~(3) Time Out.~~
 - ~~(4) Name and signature of the PERSON IN CHARGE at the COMMISSARY.~~
 - ~~(5) Name and signature of the PERSON IN CHARGE of the Seasonal PERMIT.~~~~
- ~~(E) All information shall be completed and logged at each visit. All of the information shall be complete. A legible log shall be maintained at the COMMISSARY and be made available upon request of the HEALTH AUTHORITY.~~

14-303.14 Non-PHF (TCS) PACKAGED FOOD Handling

~~FOOD shall be purchased the day of the event unless a PERMITTED COMMISSARY is provided. Receipts of purchase shall be maintained and available for review by the HEALTH AUTHORITY.~~

14-303.15 PACKAGED PHF (TCS) Handling

- ~~(A) FOOD shall be purchased the day of the event unless a PERMITTED COMMISSARY is provided. Receipts of purchase shall be maintained and available for review by the HEALTH AUTHORITY.~~
- ~~(B) All PHF (TCS) shall be maintained at required temperatures in NSF/ANSI or equivalent refrigeration or hot holding EQUIPMENT.~~
- ~~(C) Sampling of FOOD products is prohibited.~~

14-303.16 Open Non-PHF (TCS) Handling

- ~~(A) A COMMISSARY shall be required.~~
- ~~(B) The location, transportation, EQUIPMENT for transportation, and procedures shall be APPROVED by the HEALTH AUTHORITY.~~
- ~~(C) HAND WASHING SINKS, as required in Paragraph 14-203.14(C) (3) of this Chapter, shall be located in the immediate vicinity of any FOOD handling, preparation, or WARE WASHING areas.~~

14-303.17 Open PHF (TCS) FOOD Handling

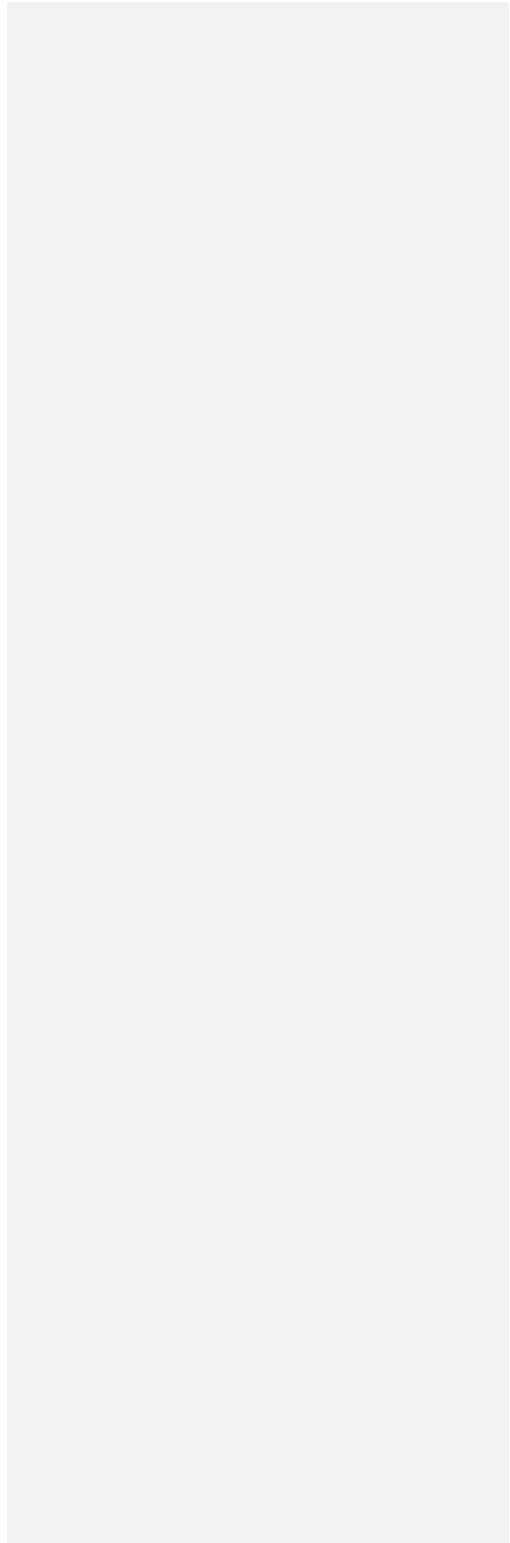
- ~~(A) A COMMISSARY shall be required. Complex FOOD preparation shall be completed at the COMMISSARY.~~
- ~~(B) Immediately prior to transport all PHF (TCS) temperatures shall be taken and recorded on a service log to ensure that the FOOD is maintained at temperatures as specified in Chapter 3-401 through 3-403 of these Regulations. These logs shall be made available to the HEALTH AUTHORITY upon request.~~
- ~~(C) Upon arrival at the APPROVED site the PERSON IN CHARGE shall take, and record on a service log, temperatures of the PHF (TCS).~~
- ~~(D) FOOD that is not within the required temperature range at delivery, as specified in these Regulations, shall be consumed or discarded within four hours. If effective rethermalization and/or cooling EQUIPMENT are available, FOOD shall be reheated or cooled as specified in these Regulations.~~
- ~~(E) Only minimal FOOD preparation or FOOD handling shall be allowed on site. Minimal FOOD preparation includes but is not limited to dish up, packaging, reheating, assembly and/or garnishing.~~
- ~~(F) HAND WASHING SINKS, as required in Paragraph 14-203.14(D) (3) of this Chapter, shall be located in the immediate vicinity of any FOOD handling or preparation area.~~

Sanitation Requirements

ts

01 General Requirements 14-402

Equipment and Utensils



The seasonal PERMIT site shall be maintained clean. It shall be free of REFUSE, excessive FOOD debris or spills beyond an amount generated during the preparation of FOOD.

14-401.12 Wiping Cloths

Wiping cloths immersed in sanitizer shall be available for wiping down FOOD-CONTACT SURFACES.

14-401.13 Completion of FOOD Service

Following the completion of FOOD service, all prepared FOOD items that remain in cooking or holding EQUIPMENT shall be discarded except that:

- (A) Any PRE-PACKAGED or unprepared FOOD items that remained in cold holding at the correct temperature for the entire duration of the service period may be returned to the COMMISSARY as specified in Section 14-302.11 of this Chapter.
- (B) Any non-PHF (TCS) PRE-PACKAGED SINGLE-USE ARTICLES including but not limited to cans or bottles of soda, individually apportioned CONDIMENTS, and similar items may be returned to the COMMISSARY as specified in Section 14-302.11 of this Chapter.

14-402 EQUIPMENT and UTENSILS

14-402.11 EQUIPMENT

All EQUIPMENT shall be in good repair and properly maintained at all times.

14-402.12 EQUIPMENT, UTENSILS and LINEN

In the absence of an on-site three compartment sink all multi-use EQUIPMENT, UTENSILS and LINEN shall be replaced with clean every four hours, or more frequently as needed, and returned to the COMMISSARY for cleaning and SANITIZATION prior to re-use.

- (A) Excessive FOOD debris shall be removed from soiled EQUIPMENT and UTENSILS prior to transport to the COMMISSARY.
- (B) Soiled UTENSILS shall be segregated from FOOD, FOOD-CONTACT SURFACES, clean UTENSILS, and SINGLE-SERVICE ARTICLES.

14-402.13 EQUIPMENT, UTENSILS and LINEN

All EQUIPMENT, UTENSILS and LINEN shall be handled and stored in such a manner as to protect all FOOD, clean EQUIPMENT, and clean UTENSILS from CONTAMINATION.

14-403 POISONOUS OR TOXIC MATERIALS

14-403.11 Storage

Storage and/or handling of POISONOUS OR TOXIC MATERIALS shall comply with the applicable sections of Chapter 7 of these Regulations.

14-404 Water Supply and Waste Water Disposal

14-404.11 Water Supply

The water supply shall meet the applicable sections of these Regulations.

14-404.12 Waste Water Disposal

The waste water disposal shall meet the applicable sections of these Regulations such as through an APPROVED sanitary SEWAGE system or other APPROVED system, including the use of SEWAGE transport VEHICLES and waste retention tanks. No waste water is allowed to be disposed in the storm drain or onto asphalt or other areas around the site.

14-405 Solid Waste

14-405.11 Provisions

Provisions shall be made for proper disposal and storage of solid waste, both within the seasonal booth, and also available outside of the seasonal booth for customer use.

(A) Receptacles shall be maintained clean so as not to create a nuisance.

- (B) All and farmers market establishment must have waste receptacles shall be lined with properly sized disposable plastic liners, including

The PERSON IN CHARGE shall report information about employee health and activities as they relate to symptoms of illness that are transmissible through FOOD as required by Chapter 2 of these Regulations.

14-502 FOOD HANDLER HEALTH CARD

14-502.11 Requirements

FOOD HANDLERS working in a SEASONAL FOOD ESTABLISHMENT shall possess a current, valid FOOD HANDLERS' HEALTH CARD issued by the HEALTH AUTHORITY.

14-503 PERSONAL Cleanliness

14-503.11 Hand Washing

~~The PERSON IN CHARGE shall ensure that all FOOD HANDLERs wash their hands as required in Chapter 2 301.12 of these Regulations and:~~

- ~~(A) Before beginning and after ending their shifts.~~
- ~~(B) After using the toilet.~~
- ~~(C) After smoking, eating, or drinking.~~
- ~~(D) After handling raw FOOD, which should be minimized.~~
- ~~(E) Before and after loading and unloading FOOD, and FOOD service EQUIPMENT.~~
- ~~(F) Before and after setting up FOOD service displays.~~
- ~~(G) Before serving FOOD.~~
- ~~(H) After handling soiled items at clean-up before departing.~~
- ~~(I) Before any contact with FOOD, FOOD service EQUIPMENT or other items.~~
- ~~(J) After any activity in which their hands become soiled or otherwise contaminated.~~

~~**14-503.12 Fingernails**~~

- ~~(A) FOOD HANDLERs shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are clean and SMOOTH.~~
- ~~(B) Unless wearing intact gloves in good repair, a FOOD HANDLER may not wear fingernail polish or artificial fingernails when working with exposed FOOD.~~

~~**14-503.13 Jewelry Prohibition**~~

~~Except for a plain ring, including but not limited to a wedding band, FOOD HANDLERs shall not wear jewelry, including medical information bracelets on their arms and hands while preparing FOOD.~~

~~**14-503.14 Outer Clothing**~~

~~FOOD HANDLERs shall wear clean outer clothing to prevent CONTAMINATION of FOOD, EQUIPMENT, UTENSILs, LINEN, and SINGLE SERVICE ARTICLES and SINGLE USE ARTICLES.~~

~~**14-504 Hygienic Practices**~~

~~**14-504.11 Hair Restraint**~~

~~FOOD HANDLERs who prepare or serve FOOD shall restrain their hair as specified in Chapter 2 402.11 of these Regulations.~~

~~**14-504.12 Tobacco Use**~~

~~FOOD HANDLERs shall not use tobacco in any form while engaged in the preparation and service of FOOD.~~

~~**14-505 PERSONnel**~~

~~**14-505.11 RESTRICTIONS**~~

~~Only PERSONs necessary in the preparation and service of FOOD, or the PERSON IN CHARGE, shall be allowed in the PERMITted area.~~

Chapter 15

- (1) A minimum of one waste container, for use by patrons, located within 15 feet of each food vendor's space or booth.
- (2) Waste containers located within or adjacent to restroom and handwashing facilities.
- (C) Farmers' Markets vendors may operate at any permitted Farmers Market location with permission from the Farmers Market manager and prior written notification to the Health Authority detailing where and when the food establishment will be in operation.

13-2	Operational Requirements
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Subparts

13-201	Required Records
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13-201 Required Records

The following records must be maintained on site by the swap meet or farmer market manager and be available for review by the Health Authority:

- (A) Copies of the health permit for each participating food establishment,
 - (B) A list of all participating food vendors and temporary food establishments, and
 - (C) A copy of the producer certificate which lists the approved food for each participating farmer.
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Chapter 14 Special Events and Temporary Food Establishments

Parts

- 14-1 Special Event Requirements
- 14-2 Temporary Food Establishments
- 14-3 Annual Itinerants

14-1 Special Event Requirements

Subparts

- 14-101 Event Coordinator**
- 14-102 General Requirements for Special Events**
- 14-103 Trade Shows, Conventions, Cook-Offs, and Tasting Events**

14-1 Special Events and Temporary Food Establishments

Parts

- ~~15-1~~ ~~Definitions~~
- ~~15-2~~ ~~Special Event Requirements~~
- ~~15-3~~ ~~Temporary Food Establishment Requirements~~
- ~~15-4~~ ~~Compliance and Enforcement~~

~~15-101~~ ~~Applicability and Listing of Terms~~

~~15-101.11 Interpretation and Listing of Terms~~

The following definitions shall apply in the interpretation and application of this Chapter.

~~15-102~~ ~~Definitions~~

~~EVENT COORDINATOR~~ means a designated PERSON, or PERSON assigned by the SPECIAL EVENT SPONSOR, responsible for the coordination of TEMPORARY FOOD ESTABLISHMENTS, FOOD BOOTHS, and health related services at a SPECIAL EVENT.

~~EVENT COORDINATOR PERMIT~~ means a PERMIT as issued by SNHD for a SPECIAL EVENT that will include 2 or more TEMPORARY FOOD ESTABLISHMENTS or FOOD BOOTHS at a given location, other than a single operator with multiple FOOD ESTABLISHMENTS located on their own property.

~~FOOD BOOTH~~ means any place, structure, or premise associated with a SPECIAL EVENT in which any POTENTIALLY HAZARDOUS or open FOOD intended for ultimate human consumption is offered or served. Multiple operators shall not share a FOOD BOOTH. All operators shall be individually PERMITTED as required by the HEALTH AUTHORITY.

~~LICENSED~~ means formal permission or having a PERMIT from the appropriate federal, state, or local AGENCY OF JURISDICTION to carry out a function or event at a specified location.

~~SPECIAL EVENT~~ means any LICENSED transitory public gathering that takes place at a given location for a specific purpose that is associated with a fair, carnival, circus, public exhibition, celebration, or trade show. The event has a defined start and stop date, with the given event not exceeding 14 consecutive days. This includes TASTING EVENTS.

~~SPECIAL EVENT SPONSOR~~ means the PERSON, group, association, organization, corporation, or governmental agency sponsoring or promoting a SPECIAL EVENT.

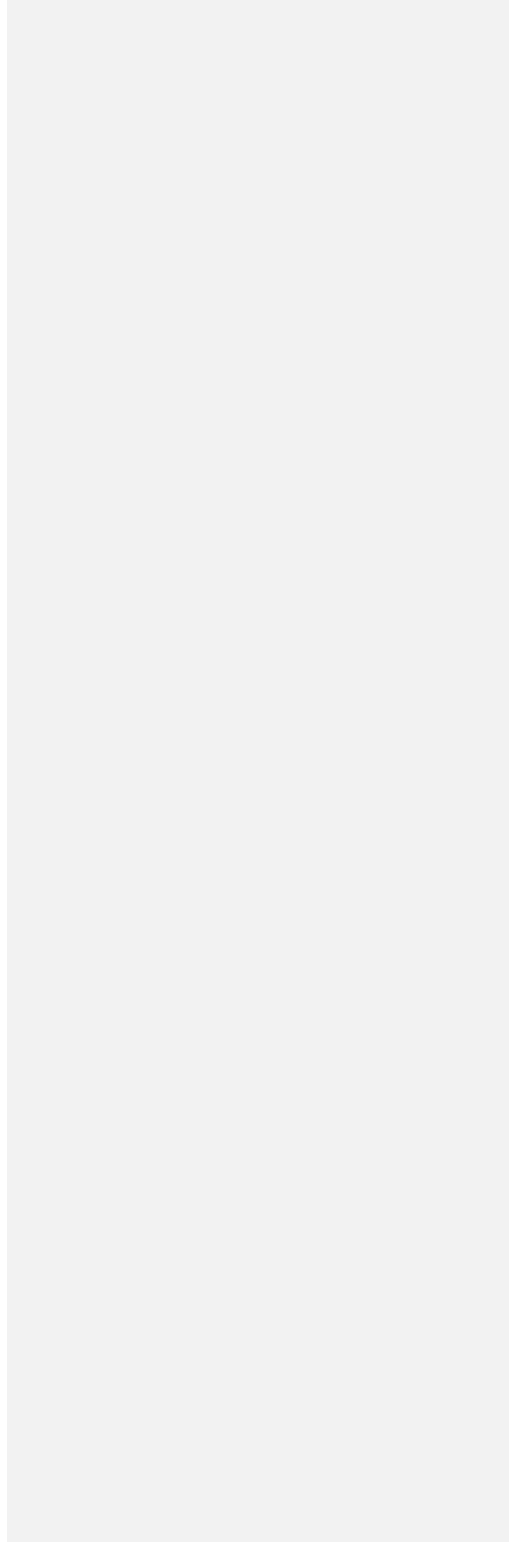
~~TASTING EVENT~~ means a SPECIAL EVENT, including but not limited to wine tastings and chili cook offs, in which an entrance fee entitles the CONSUMER to FOOD service in conjunction with the event and where there is no point of sales directly at the booths.

~~15-201~~ ~~Requirements for an EVENT COORDINATOR and EVENT COORDINATOR PERMIT~~

~~15-201.11 PERMIT Requirements~~

An EVENT COORDINATOR PERMIT for a SPECIAL EVENT or a trade show shall not exceed 14 days, and is not transferable from PERSON to PERSON or from location to location, and shall be required where there is more than one TEMPORARY FOOD ESTABLISHMENT, or more than one FOOD BOOTH, and:

~~(A) The EVENT COORDINATOR is operating the SPECIAL EVENT, including TASTING EVENTS, on their own property with outside FOOD or BEVERAGE vendors participating.~~



~~(B) The EVENT COORDINATOR is conducting the SPECIAL EVENT on property other than their own, with outside vendors providing FOOD or BEVERAGE services. If the event takes place on private property, a permission letter from the property owner shall be obtained and submitted to the HEALTH AUTHORITY as part of the application process.~~

~~(C) Annual Itinerants and mobile vendors are included in the total vendor count. If mobile vendors set up additional facilities outside of their unit, the vendor shall apply for a TEMPORARY FOOD ESTABLISHMENT PERMIT.~~

Special events, temporary food establishments, and annual itinerants are required to operate within the parameters set forth in Chapters 1-8 of these regulations. This chapter describes additional requirements specific to special events, temporary food establishments, and annual itinerants.

14-101 Event Coordinator
14-101.1 Permit Requirements

(A) An event coordinator permit is required for a special event when there are:

(1) Five or more permitted food vendors, temporary food establishments, or mobile vendors, or

~~(2)~~ Two or more tasting booths. A solitary tasting booth will be permitted as a temporary food establishment.

(B) An event coordinator permit will not be required if either of the following requirements are met conditions apply:

The EVENT COORDINATOR is the sole vendor associated with the SPECIAL EVENT. If the-

(1) Except as required in 14-101.1(A)(2), temporary food establishments or food vendors are owned and operated by the same person and the event is not operating on its own property, a permission letter from a tasting event, or

(2) The special event does not meet the definition of a food establishment as described in these regulations.

(A) An event coordinator hosting an event with greater than 100 food vendor and temporary food establishment permits may submit a proposal for the property owner shall permitting of alternate booth sizes. Proposals must be obtained and submitted to the Health Authority as part of the application process.

(B) A non-profit organization operating on their own property, as stated in NRS 446.870, is exempt from these Regulations. If the event is to be held off the PREMISES of the non-profit organization, an EVENT COORDINATOR PERMIT will be required.

Commented [CS70]: Comment:
How will you count 4 TFE's and one tasting booth?

Added for clarification when there is only one sole tasting booth

Commented [CS71]: Comment:
Large events should be able to negotiate booth size so that the cost does not become excessive.

15-201.12 EVENT COORDINATOR

The SPECIAL EVENT SPONSOR shall designate an EVENT COORDINATOR.

15-202 EVENT COORDINATOR PERMIT

15-202.11 Application

The EVENT COORDINATOR shall make written application for an EVENT COORDINATOR PERMIT on forms provided by the HEALTH AUTHORITY to include a description of support services, and a list of FOOD vendors with contact information.

(A) The application for the EVENT COORDINATOR PERMIT shall be accompanied by payment of a fee as established by the DISTRICT BOARD OF HEALTH.

(C) A late fee will be assessed if the PERMIT application and fee is not submitted to the HEALTH AUTHORITY a minimum of seven and no later than 30 days prior to the start date of the event. Additional fees will be incurred if

14-101.2 Application Submission

(A) The event coordinator must submit the following items with the event coordinator permit application:

- (1) A letter of permission or other legally executed document from the property owner granting permission to operate the event at the site address,
- (2) A list of food vendors, temporary food establishments, and their contact information,
- (3) A site map of the event indicating the location of food vendors and temporary food establishments, toilet and handwashing facilities, trash receptacles, parking, lighting, electrical access, and support service areas, and
- (4) A description of support services.

(B) The Health Authority may deny an Event Coordinator Permit if:

(1) The application is not submitted less than 24 hours at least one business day prior to the event, start date, or

(2) A map of the event shall accompany. The application is incomplete, or be provided no less than 48 hours there are missing supporting documents, and resubmission does not occur at least three business days prior to the event start of date, or

(3) Other authorities or agencies having jurisdiction do not authorize the event.

~~(B) Once submitted the application shall be updated as required in Section 15-203.11(B) of these Regulations.~~

~~(C) Failure to submit an EVENT COORDINATOR application as required by this Section may result in a CEASE AND DESIST ORDER being issued prohibiting the preparation, display, service, and sale of any FOOD items at the SPECIAL EVENT.~~

15-202.12 Application Review

~~The EVENT COORDINATOR PERMIT application shall be reviewed by the HEALTH AUTHORITY and the proposed plan shall be APPROVED or denied. If denied, the applicant shall be notified of the reason(s) for the denial. Incomplete applications shall be denied.~~

14-101.114-101.3 Responsibilities of the Event Coordinator

15-203.11 Responsibilities

The event coordinator shall:

- ~~(A) Ensure compliance as specified in Section 15-205 of this Chapter.~~
- ~~(B) Inform the HEALTH AUTHORITY of any changes or additions made after the original application was reviewed.~~
- ~~(C) Coordinate all services required as specified in Section 15-205 of this Chapter.~~
- ~~(D) Notify all TEMPORARY FOOD ESTABLISHMENTS that will be associated with the SPECIAL EVENT that:

 - ~~(1) They are required to make advance application for a PERMIT to operate as specified in Section 15-301 of this Chapter.~~
 - ~~(2) Failure to make application for a PERMIT and pay any applicable fees may result in a CEASE AND DESIST ORDER being issued.~~~~
- ~~(E) Have a designated representative available to the HEALTH AUTHORITY during the event.~~

15-203 EVENT COORDINATOR Permission to Operate

15-204.11 Issuance of PERMIT

~~An EVENT COORDINATOR PERMIT shall be issued once it has been determined by the HEALTH AUTHORITY that applicable requirements have been met.~~

15-204.12 Time Limit for PERMIT

~~An EVENT COORDINATOR PERMIT to operate shall not exceed 14 consecutive days.~~

The EVENT COORDINATOR shall be responsible for all as specified on the EVENT COORDINATOR PERMIT application which may include, but is not limited to, potable water supply, disposal of waste water, disposal of solid waste, restroom facilities including associated HAND WASHING SINKS, power supply, and central refrigeration services.

15-204 — General Requirements for SPECIAL EVENTS

15-205.11 Compliance with Requirements

SPECIAL EVENTS shall comply with the requirements specified in this Section and may be subject to other applicable chapters of these Regulations. As provided in NRS 439.410 and NRS 446.865, the HEALTH AUTHORITY may impose additional requirements to prevent potential health HAZARDS related to the operation of such events. A guidance documents is provided in Appendix I.

15-205.12 Support Services Responsibilities

The EVENT COORDINATOR shall be responsible for all items as specified on the event coordinator permit application which may include, but is not limited to, such as potable water supply, disposal of waste water, disposal of solid waste, restroom facilities including associated handwashing sinks, power supply, central warewashing facilities including associated HAND WASHING SINKS, power supply, and central refrigeration services. Depending upon the type of event, support services provided to TEMPORARY FOOD ESTABLISHMENTS may include the following. The event coordinator must ensure that:

- ~~(A) Adequate power shall be supplied by the EVENT COORDINATOR to those TEMPORARY FOOD ESTABLISHMENTS that require electrical or mechanical means to hold FOOD products at required temperatures. When mechanical refrigeration is used, power shall be provided in advance to bring units down to adequate temperatures.~~
 - (A) A finalized list of food vendors and temporary food establishments is provided to the Health Authority at least three business days prior to the event.
 - (B) There is at least one PIC at the event during all hours of operation who is knowledgeable about the operation and available to the Health Authority during the event.
 - (C) Unpermitted food vendors and temporary food establishments do not participate in the special event.
 - (D) For special events that exceed three days in duration, a three-compartment sink is provided for use by food vendors and temporary food establishments .
 - (E) When power is supplied to food vendors and temporary food establishments by the event coordinator, power is capable of supporting all powered equipment, as contracted, for the duration of the event.
 - ~~(A)(F) When central refrigeration services for food vendors and temporary food establishments are provided, the EVENT COORDINATOR shall ensure that equipment is capable of maintaining food at required temperature. When EQUIPMENT is not maintaining FOOD at required temperature, it shall be taken out 41 °F or below for the duration of service and any temperature abused FOOD shall be discarded the event.~~
 - ~~(B) Common WARE WASHING facilities, if provided, shall be maintained as specified in Chapter 4 of these Regulations. At SPECIAL EVENTS exceeding three days in duration, a three compartment sink shall be provided on site by the EVENT COORDINATOR for TEMPORARY FOOD ESTABLISHMENT operators. The sink shall have hot water at a minimum temperature of 110°F±2°, and cold running water which drains to an APPROVED method of waste water disposal.~~
- 15-205.13 Lighting**
A minimum of 20 foot candles of artificial light shall be provided after dusk in all common areas.
- 15-205.14**
- (G) Food vendors and temporary food establishments are notified in advance of the availability and location of potable water sources or that potable water will not be provided.
 - (H) A plan for the disposal of wastewater is provided to include the schedule for emptying communal gray water tanks when applicable.

~~(I) A plan for waste disposal is provided and addresses collection and removal of solid waste during and after the event,~~

~~(J) A resource recovery plan is implemented at events where attendance is expected to exceed 5000 persons per day which provides that cardboard, glass, plastic bottles, and aluminum generated at an event of this size are collected and recycled, and~~

~~(K) Non-potable water connections and containers are clearly labeled.~~

~~14-102 General Requirements for Special Events~~

~~14-102.1 Toilet facilities~~

~~(A) The event coordinator shall ensure that an adequate number of toilet facilities are provided for patron and participant use so as not to create a nuisance or public health hazard.~~

~~(B) When the number of sewerd toilets is insufficient, non-sewered portable toilets shall be provided. The operator-permit holder of a special event shall provide toilet facilities as set forth in NAC 444.825 unless the HEALTH AUTHORITY reduces the number of toilet facilities otherwise required pursuant to the number of public toilet facilities available approved based on an operational plan that includes more frequent cleaning and disposal of waste.~~

~~All toilets shall~~

~~(C) Toilets must be adequately serviced, stocked with dispenser-held toilet tissue, and maintained during the event.~~

~~15-205.15 HAND WASHING SINKS~~

~~HAND WASHING SINKS shall~~

~~(D) Toilets must be set at least 50 feet away from any food operation.~~

~~14-102.2 Handwashing Sinks~~

~~(A) Handwashing sinks must be located at each toileting areas utilized by FOOD HANDLERS, including all non-sewered toilet areas area.~~

~~(A) The operator of a SPECIAL EVENT shall provide At least one facility for hand washing handwashing sink for each group of toilet facilities.~~

~~(B) The portable HAND WASHING SINK shall five toilets must be provided with running water that drains to an enclosed waste water tank.~~

~~HAND WASHING SINKS shall~~

~~(B) Handwashing sinks must be adequately serviced, stocked, and maintained during the event. Liquid hand soap in a pump dispenser, and single-use paper towels dispensed in a sanitary manner, shall be available at the HAND WASHING SINK.~~

~~(C) The use of a hand sanitizer is not a substitute for HAND WASHING SINKS for FOOD HANDLERS.~~

~~(D) Hand sanitizer dispensers may be utilized at non-sewered toilet areas used by the public.~~

~~(C) The EVENT COORDINATOR shall ensure that HAND WASHING SINKS for customer use are placed at the entrance to any animal attraction associated with the event. Liquid hand soap in a pump dispenser, and single-use paper towels dispensed in a sanitary manner, shall be available at the HAND WASHING handwashing sink.~~

~~15-205.16 Water Supply~~

Commented [LR72]: Comment:
Request 5000 persons per day

Commented [CS73]: Comment:
This should be one handwashing sink for each group of 7-10 toilets.

Commented [CS74R73]: One handwashing station with 4 faucets counts as 4 sinks. This is the setup most events have and the ratio is easily achieved.

- ~~(A) The EVENT COORDINATOR shall notify all TEMPORARY FOOD ESTABLISHMENT operators, in advance, of the availability and location of potable water sources or that potable water will not be provided.~~
- ~~(B) Water haulers for SPECIAL EVENTS shall comply with NAC 445A.67275 through NAC 445A.6731.~~
- ~~(C) Non-potable water supplies including but not limited to water trucks for dust control shall not be used at SPECIAL EVENTS where spray or flow may contaminate FOOD. All non-potable water connections and service containers shall be clearly labeled.~~
- ~~(D) Hoses connected to potable water sources shall meet the requirements as specified in Chapter 5-302.16 of these Regulations.~~

15-205.17 Waste Water

The EVENT COORDINATOR shall ensure that all waste water generated at an event is discharged to a sanitary sewer. The dumping of waste water into a storm drain or directly onto the ground is strictly prohibited. Improper disposal may be subject to citations and/or penalties.

15-205.18 Solid Waste

- ~~(A) The EVENT COORDINATOR shall ensure proper disposal of garbage as specified on the EVENT COORDINATOR PERMIT application.~~
- ~~(B) The EVENT COORDINATOR shall ensure the presence of an adequate number of leak proof trash receptacles in common areas for public use.~~
- ~~(C) Trash receptacles shall be emptied as often as necessary to prevent excessive accumulation of solid waste so as not to create a public health nuisance.~~
- ~~(D) The EVENT COORDINATOR shall provide for the removal of any solid waste scattered on the event PREMISES as a result of event activities, including the removal of such waste during and at the conclusion of the event.~~
- ~~(E) Grease and waste cooking oil shall be disposed of in a manner APPROVED by the HEALTH AUTHORITY. Disposal of grease or waste cooking oil to the sanitary sewer system in a storm drain or on the ground is prohibited and may be subject to citations and/or penalties.~~
- ~~(F) Improper disposal of solid waste may be subject to citations and/or penalties as specified in NRS 444.630.~~
- ~~(G) The SPECIAL EVENT COORDINATOR is responsible for developing and implementing a resource recovery plan at any event where attendance is expected to exceed 5,000 PERSONS per day. Cardboard, glass, plastic bottles, and aluminum generated at an event of this size shall be collected and recycled.~~

15-205.19

- ~~(D) A waste receptacle must be located at the handwashing sink for the disposal of paper towels.~~
- ~~(E) Handwashing sinks for customer use must be placed at the exit to any animal attraction associated with the event.~~

14-102-214-102.3 Animal Attractions

Animal attractions shall must not create nuisances, odors, or fly pest problems that impact food service operations. The Health Authority may impose additional restrictions and requirements to ensure the health of the public. All animal attractions must be set at least 50 feet away from any food operation.

14-10214-103 Trade Shows, Conventions, Chili Cook-Offs, and FOOD and BEVERAGE Tasting Events 15-206.11 PERMIT Application

~~The EVENT COORDINATOR shall apply for an EVENT COORDINATOR PERMIT as specified in Sections 15-201 and 15-202 of this Chapter.~~

15-206.12 Responsibilities of the EVENT COORDINATOR

In addition to the responsibilities specified in section ~~15-203 of this Chapter~~ 14-101.3, the event coordinator of a trade show, convention, chili cook-off, or tasting event shall: inform "for-profit" and "non-profit" booth must inform all food vendors; and temporary food establishments with a point of sale, or similar other arrangement for direct compensation for food or beverage, that they must make advance application for a PERMIT to operate a TEMPORARY FOOD ESTABLISHMENT and that failure to do so may result in a CEASE AND DESIST ORDER being issued have a valid health permit to participate in the event.

- ~~(A) Provide the criteria for proper set up to vendors who do not accept monetary compensation as described in Section 15-303 of this Chapter and ensure that they are ready to operate at the time specified in the EVENT COORDINATOR application. Inspection of these booths shall be documented on the EVENT COORDINATOR PERMIT inspection report.~~
- ~~(B) Ensure that the general requirements for SPECIAL EVENTS, as specified in Section 15-205 of this Chapter, are in place prior to the opening time of the event as indicated on the EVENT COORDINATOR PERMIT application.~~

~~**15-205 SPECIAL EVENTS Operated Within Pool Enclosures**~~

~~15-207.11~~

14-2 Temporary Food Establishments

Subparts

- 14-201 Temporary Permit Requirements**
- 14-202 Temporary Food Establishment Permit Exemptions**
- 14-203 Operational Requirements for Temporary Food Establishments**
- 14-204 Site Requirements**

14-201 Temporary Permit Requirements

~~SPECIAL EVENTS, including TEMPORARY FOOD ESTABLISHMENTS, operated within pool enclosures shall also meet the requirements of NAC 444.288. The following requirements shall be met for all operations on pool decks and within pool barriers:~~

- ~~(A) No glass or breakable items shall be allowed except that glass liquor and mixer bottles under the control of a FOOD HANDLER are acceptable.~~
- ~~(B) Bar/FOOD units shall be located remotely from the edge of the pool on the raised rear deck area if available.~~
- ~~(C) Work stations shall not obstruct access to the pool deck, or to necessary fixtures, including but not limited to showers and water fountains.~~
- ~~(D) Work stations shall not be placed in any location where there is standing water.~~
- ~~(E) Work stations shall be broken down, covered, protected, and stored when not in use.~~

~~All electrical connections for work stations shall be GFCI-protected and testable, and~~

- ~~(F) A temporary electrical runs shall not pass across walkways used by bathers or in wet areas such deck drains.~~
- ~~(G) An operational plan shall be completed and shall address all of the above including a statement that management will not permit FOOD or drink to be consumed within 4' of any pool or spa.~~

~~**15-206 SPECIAL EVENT PERMIT to Operate**~~

~~**15-208.11 Issuance of Report and Corrective Action**~~

- ~~(A) The HEALTH AUTHORITY shall conduct an inspection of the SPECIAL EVENT and record the findings on an inspection report form. The HEALTH AUTHORITY shall furnish the original of the inspection report to the EVENT COORDINATOR.~~
- ~~(B) The EVENT COORDINATOR shall ensure that all documented violations are corrected as specified on the health inspection report.~~
- ~~(C) The EVENT COORDINATOR shall ensure that unAPPROVED TEMPORARY FOOD ESTABLISHMENTS do not operate at or during the SPECIAL EVENT.~~
- ~~(D) The EVENT COORDINATOR of TASTING EVENTS shall ensure that FOOD BOOTHS, with no point-of-sale but having outstanding violations, do not serve FOOD until corrective actions have been made as designated on the inspection report.~~

~~**15-208.12 PERMIT Approval to Operate**~~

~~Once all requirements for the EVENT COORDINATOR have been met, the health PERMIT for the SPECIAL EVENT shall be APPROVED.~~

~~**15-301 Application to Operate a TEMPORARY FOOD ESTABLISHMENT**~~

~~**15-301.11 Application**~~

- ~~(A) A PERSON desiring to operate any TEMPORARY FOOD ESTABLISHMENT shall make written application for a PERMIT in accordance with NRS 446.875.~~
- ~~(B) The application shall be made on forms provided by the HEALTH AUTHORITY. The TEMPORARY FOOD ESTABLISHMENT PERMIT application shall be submitted to the HEALTH AUTHORITY not less than seven days prior to the start date of the event.~~
- ~~(C) An application for a PERMIT to operate a TEMPORARY FOOD ESTABLISHMENT shall be accompanied by payment of a fee established by the DISTRICT BOARD OF HEALTH. A late fee will be assessed if the application and fee are not received a minimum of seven days prior to the start date of the event. Additional~~

fees will be incurred if the PERMIT application is submitted less than 24 hours prior to the event.

15-301.12 Application Review

The TEMPORARY FOOD ESTABLISHMENT application shall be reviewed by the HEALTH AUTHORITY and the proposed plan shall be APPROVED or denied. If denied, the applicant shall be notified of the reason(s) for the denial. Incomplete applications shall be denied.

(A) If necessary to protect against public health HAZARDS, the HEALTH AUTHORITY may impose specific requirements in addition to the requirements contained in this Chapter as authorized by NRS 429.410 and NRS 446.865.

(B) The HEALTH AUTHORITY shall document the conditions that necessitate the imposition of additional requirements and the underlying public health concerns.

15-302 TEMPORARY FOOD ESTABLISHMENT PERMIT to Operate

15-302.11 PERMIT Requirement

It is unlawful for any PERSON to operate a TEMPORARY FOOD ESTABLISHMENT unless a valid PERMIT has been issued by the HEALTH AUTHORITY.

15-302.12 PERMIT Limitations

(A) A TEMPORARY FOOD ESTABLISHMENT PERMIT shall ~~food establishment permit must~~ not exceed 14 consecutive days and is not transferable from person to person or from location to location.

15-302.13 Inspection by the HEALTH AUTHORITY

(A) A TEMPORARY FOOD ESTABLISHMENT PERMIT to operate shall be issued only after inspection and approval by the HEALTH AUTHORITY and only after the TEMPORARY FOOD ESTABLISHMENT has obtained and paid for the appropriate PERMIT in advance of the event.

(B) The PERSON operating the TEMPORARY FOOD ESTABLISHMENT shall prominently display all original licenses and PERMITS under which the TEMPORARY FOOD ESTABLISHMENT is operating in a conspicuous location, easily readable by the public, and at each FOOD BOOTH or point of sale.

(C) The HEALTH AUTHORITY shall issue a CEASE AND DESIST ORDER to a TEMPORARY FOOD ESTABLISHMENT if the establishment is found to be violating the requirements set forth in these Regulations which include but are not limited to failing to obtain and pay for the appropriate PERMIT prior to the event. The TEMPORARY FOOD ESTABLISHMENT shall not resume operations until APPROVED by the HEALTH AUTHORITY.

(D) The HEALTH AUTHORITY may periodically inspect throughout the PERMIT period, any TEMPORARY FOOD ESTABLISHMENT to verify that good public health practices are in place. Conditions warranting additional inspections include, but are not limited to:

(1) Improvised rather than permanent facilities or EQUIPMENT for accomplishing functions including but not limited to hand washing, FOOD preparation and protection, FOOD temperature control, WARE WASHING, providing DRINKING WATER, solid waste storage and disposal, and insect and rodent control.

(2) Inexperienced FOOD HANDLERS.

(B) Except as specified in 14-101.1 (C), a single temporary food establishment must not exceed 400 square feet when serving only low-risk food and must not exceed 200 square feet in size when serving higher-risk food.

(C) The temporary food establishment permit may be denied if:

(1) The application is not received at least one business day prior to the start date of the event,

(2) There are inadequate support services available to operate safely, or

(3) Food is unable to be protected due to inclement weather, or other conditions exist that cause a risk to public health.

(3) Citizen or alleged FOOD BORNE ILLNESS complaint investigations.

15-302.14 FOOD Prohibitions

Except as otherwise specified in Section 15-303 of this Chapter, FOOD that is prepared in a private home shall not be sold, offered or displayed for sale, or offered for compensation or contractual consideration of any kind.

(D) The permit holder of the temporary food establishment must provide proof of payment of the permit application invoice upon request.

(E) Temporary food establishment operators who are found operating without a valid health permit will be required to cease food operations immediately until a valid health permit is obtained.

14-202 Temporary Food Establishment Permit Exemptions

15-303.11 Exemptions

~~In accordance with NRS 446.870, the following FOOD ESTABLISHMENTS are exempt from obtaining a PERMIT:~~

~~(A) Any PERSON that prepares FOOD in a private home and gives it away free of charge or for consideration of any kind unless it is given to a PERMITTED FOOD ESTABLISHMENT.~~

~~(B) A religious, charitable, or other non-profit 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, provided the sale occurs on the PREMISES of the organization. If the sale is to occur off the PREMISES of the organization, a PERMIT shall be required.~~

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

(A) Bottled water, canned soft drinks,

(B) Customer self-service coffee or tea. This exemption does not include TCS food or open-food handling except brewing coffee or tea,

(A)(C) Commercially bottled or canned BEVERAGES, including water, that do not require refrigeration, and are prepared acidic beverages (such as orange juice, lemonade, and other similar beverages) that are served from the SEALED-original properly labeled container without the addition of consumer ice or other regulated food product.

~~SEALED, commercially PACKAGED non-PHF (TCS)~~

~~(D) Hermetically sealed and unopened containers of non-TCS beverages, which do not require refrigeration,~~

~~(E) Hot chocolate prepared for immediate service without the use of TCS foods,~~

~~(F) Non-TCS prepackaged baked goods with proper labeling from an approved source and requiring no on-site preparation,~~

~~(G) Non-TCS foods and unopened prepackaged food from an approved source with proper labeling including but not limited to, such as honey, jerked meats, potato chips, candy, popcorn, and other similar FOOD foods,~~

~~(1) Booths which sample FOOD, but do not receive compensation or sell the product sampled at the booth. Although a TEMPORARY FOOD ESTABLISHMENT PERMIT is not required, the booth may be subject to requirements of these Regulations and may be inspected under the EVENT COORDINATOR PERMIT.~~

General

~~(H) Farm products sold by a vendor with a producer certificate and no food preparation, breaching of produce, or product sampling is done,~~

~~(I) Commercially prepared, prepackaged, and unopened ice cream that is appropriately labeled including ingredients and manufacturer information, and~~

~~(J) Vendors that provide samples of food without compensation, do not sell the food on-site, and are inspected under an Event Coordinator permit.~~

14-203 Operational Requirements for Temporary Food Establishments

~~In addition to compliance with Chapters 1-8 of these regulations, temporary food establishments are subject to the additional operational requirements in this section.~~

14-203.1 Equipment

~~Temporary food establishments are exempt from Subpart 4-205 but must operate using equipment, which is in good condition, easily cleanable, and does not pose a food safety risk.~~

14-203.2 Operational Requirements

~~Temporary food establishments must:~~

~~(A) Conduct minimal food preparation on site,~~

~~(B) Not conduct complex food processes, including but not limited to cooling, at the event location,~~

~~(C) Prohibit use or sale of reduced oxygen packaged foods which were packaged at a retail food establishment unless prior approval has been granted by the Health Authority~~

~~(D) Prohibit TCS food served or displayed at an event from being re-served or held over for future service,~~

~~(E) Operate only at sites which written approval from the property owner has been obtained,~~

~~(F) Submit menu changes that will result in a change to the equipment or the risk level to the Health Authority for approval prior to implementation,~~

~~(G) Ensure that transportation vehicles are maintained clean, free of trash, food debris, spills, pests, or any other source of contamination to the food or equipment, and~~

Commented [CS75]: Comment: Suggestion for clarification to add "are exempt from Subpart 4-205 but" since 14-203.1 says must comply with 1-8.

Commented [CS76R75]: Clarified so that Temporary food establishments are not required to have equipment that meets the ANSI standard

Commented [CS77]: Comment: We should not have to report menu changes unless it results in a risk level or equipment change.

(H) In the absence of an approved commissary or permitted support kitchen, provide same day receipts for all TCS foods and/or open prepared food upon request to the Health Authority.

14-203.3 Handwashing Facilities

(A) A handwashing sink must be stocked with liquid hand soap in a pump dispenser, single-use paper towels, and maintained throughout the duration of the event.

(B) The handwashing sink must be located within 10 feet of the open-food handling area and ready for use prior to any open food handling.

(C) An adequate number of handwashing sinks that meet the following criteria must be provided:

(1) If portable, the handwashing sink must be self-contained and equipped with an integral five-gallon minimum potable water supply tank and a wastewater storage tank that is at least 15% greater than the potable water supply and may be gravity-fed, and

(2) Provide a hands-free continuous flow of warm running water.

Commented [CS78]: Comment:
Can a handwashing sink for a TFE be gravity fed?

14-204 Site Requirements

(A) Provide overhead protection for food preparation areas unless prohibited by fire code, and

(B) Operate on a smooth surface such as asphalt or concrete, or provide adequate groundcover, to prevent dust or debris from becoming airborne.

14-3	Annual Itinerants
Subparts	
14-301	Permit Requirements
14-302	Operational Requirements
14-303	Required Records
14-304	Annual Itinerant Event Coordinator

14-301 Permit Requirements

In addition to compliance with Chapters 1-8 of these regulations, Annual Itinerants are subject to the additional requirements in this section. Annual Itinerants must:

(A) Only operate at sites for which prior notice was given to the Health Authority,

(B) Notify the Health Authority by submitting an Annual Itinerant Notification at least two business days prior to operating at a special event or farmers market. Updates to the schedule must be provided at least two business days prior to the start of each special event or farmers market. Failure to notify the Health Authority within the required timeframe will result in administrative action up to and including permit revocation,

(C) Operate only at sites that meet the requirements in Subpart 14-204 and which written approval from the property owner has been obtained,

(D) Submit menu changes that will result in a change to the equipment or the risk level to the Health Authority for approval prior to implementation,

Commented [CS79]: Comment:
Don't make this more strict than current regulations

Commented [CS80]: Comment:
We should not have to report menu changes unless it results in a risk level or equipment change.

(E) Provide access to transportation or food storage vehicles utilized by the food vendor to ensure that the vehicle is maintained clean, free of trash, food debris, spills, insects, or any other source of contamination to the food or equipment, and

(F) Not exceed 200 square feet in size.

14-302 Operational Requirements

14-302.1 Operational Restrictions

Annual Itinerants must:

(A) Conduct minimal food preparation on site,

(B) Not conduct complex food processes, including but not limited to cooling, at the event location,

(C) Prohibit TCS food served or displayed at an event from being re-served or held over for future service, and

(D) Prohibit use or sale of reduced oxygen packaged foods which were packaged at a retail food establishment unless prior approval has been granted by the Health Authority.

14-302.2 Handwashing Facilities

(A) A handwashing sink must be stocked with liquid hand soap in a pump dispenser, single-use paper towels, and maintained throughout the duration of the event.

(B) The handwashing sink must be located within 10 feet of the open-food handling area and ready for use prior to any open food handling.

(C) An adequate number of handwashing sinks that meet the following criteria must be provided:

(1) If portable, the handwashing sink must meet the requirements of Subpart 4-205,

(2) Provide a continuous flow of hot and cold running water without the use of a manual pump,

(3) Be self-contained, and

(4) Be equipped with an integral five-gallon minimum potable water supply tank and a wastewater storage tank that is at least 15% greater than the potable water supply.

~~TEMPORARY FOOD ESTABLISHMENTS shall comply with the requirements specified in this Chapter and other applicable portions of these Regulations.~~

14-303 Required Records

~~(A) The HEALTH AUTHORITY may impose additional requirements to protect the public from potential HAZARDS related to the operation of these establishments.~~

~~(B) The HEALTH AUTHORITY may RESTRICT or limit menu items, and may prohibit the sale of any PHF (TCS) that may put the public at RISK of disease or injury. The HEALTH AUTHORITY:~~

~~(1) If necessary to protect the public health, specific requirements in addition to the requirements specified in this Chapter and as specified by NRS 439.410 and NRS 446.865, may be imposed.~~

~~(2) Shall document the conditions that necessitate the imposition of additional requirements and shall state the underlying public health concerns.~~

~~(C) TEMPORARY FOOD ESTABLISHMENTS, and all other operations which sell alcoholic BEVERAGES for consumption on PREMISES, shall post health warnings for drinking during pregnancy as specified in NRS~~

~~446.842.~~

~~15-304.12 PERSON IN CHARGE~~

~~Each TEMPORARY FOOD ESTABLISHMENT shall have a designated PERSON IN CHARGE responsible for knowledge of, and compliance with, these Regulations. Such PERSON shall be on-site and accessible during all hours of operation of the TEMPORARY FOOD ESTABLISHMENT. Facilities without such PERSON IN CHARGE shall not be APPROVED to open or operate.~~

~~15-304.13 FOOD Source~~

~~(A) All FOOD shall be obtained from an APPROVED SOURCE acceptable to the HEALTH AUTHORITY. Home canned FOOD is prohibited.~~

~~(B) As per NRS 446.870, no preparation or storage shall occur at a private residence or anywhere other than at a PERMITTED FOOD ESTABLISHMENT for any PHF (TCS) or perishable FOOD intended to be sold, offered, or displayed for sale at a TEMPORARY FOOD ESTABLISHMENT.~~

~~In the absence of an APPROVED COMMISSARY, same day receipts for FOOD shall be available on-site for review by Annual Itinerant permit holder must provide the following records to the Health Authority upon request:~~

~~(C) Receipts and/or invoices shall be maintained at the booth for all FOOD obtained outside of Clark County, Nevada.~~

~~(D) Ice, which is intended for human consumption or cooling purposes, shall be obtained from an APPROVED SOURCE.~~

~~(A) Packages of FOOD, including packages of FOOD rePACKAGED from bulk that was prepared within Clark County, that are for sale in a TEMPORARY FOOD ESTABLISHMENT shall have a label which has been APPROVED by the HEALTH AUTHORITY. The label shall A valid commissary agreement letter.~~

~~(B) Permission letters, operational plans, or waivers associated with the permit, and~~

~~(C) Same-day receipts for food when applicable.~~

~~14-304 Annual Event Venue Permit Requirements~~

~~Annual Event Venues must comply with Subpart 14-101 and:~~

~~(E) Provide permanently plumbed restrooms that meet the requirements as specified in Chapter 3 of these Regulations.~~

~~15-304.14 FOOD Cooking, Holding and Service EQUIPMENT~~

~~(A) All FOOD cooking, holding, of Chapters 5 and service EQUIPMENT shall be constructed of non-toxic materials, including but not limited to those specified in Chapter 4-201.116 of these regulations and shall be maintained clean, in good repair, are conveniently located and in such condition as not to present a RISK to public health.~~

~~(B) The HEALTH AUTHORITY shall RESTRICT FOOD at an event if adequate facilities are not available for use by food vendors and functioning properly to maintain FOOD at required temperatures.~~

~~(C) An appropriately sized and calibrated stem thermometer with a range of 0-220°F±2° shall be available and used to monitor the temperature of PHF (TCS).~~

~~(A) **Adequate EQUIPMENT shall be provided to maintain hot FOOD at a temperature of 135°F±2° or above** temporary food establishments during storage, display, and service. APPROVED EQUIPMENT includes, **but is not limited to, steam tables, hot boxes, grills, and chafing dishes,** all hours of operation,~~

~~(D) Adequate EQUIPMENT shall be provided to maintain cold FOOD at a temperature of 41°F±2° or below during storage, display, and service. APPROVED EQUIPMENT includes, but is not limited to, mechanical refrigeration units and ice chests with a drain.~~

~~15-304.15 Cooking, Reheating and Hot Holding of PHF (TCS)~~

Commented [CS81]: Comment:
Requirement for a temperature log is overly burdensome.
Can be required on a case by case basis for bad operators

- (A) ~~PHF (TCS) shall be cooked to the following minimum temperatures unless otherwise ordered by the immediate CONSUMER:~~
- (1) ~~All cooked FOOD that is reheated shall be heated, within two hours, to a minimum internal temperature of 165°F±2° for at least 15 seconds. FOOD EQUIPMENT intended for hot holding shall not be used to reheat FOOD.~~
 - (2) ~~All POULTRY products, stuffed MEATS, and stuffing containing animal products shall be cooked to a minimum internal temperature of 165°F±2° for at least 15 seconds.~~
 - (3) ~~All pork products, except whole muscle intact pork, and ground beef shall be cooked to a minimum internal temperature of 155°F±2°.~~
 - (4) ~~Beef, whole muscle intact pork, and FISH products shall be cooked to a minimum internal temperature of 145°F±2°.~~
 - (5) ~~Roast beef shall be cooked to an internal temperature of at least 130°F±2°, and held at 130°F±2°, for a minimum of 112 minutes prior to service.~~
 - (6) ~~If FOOD of animal origin is provided in an undercooked state per the request of the individual CONSUMER, the operator of the TEMPORARY FOOD ESTABLISHMENT shall post a CONSUMER advisory as specified in Chapter 3 401.11(D) of these Regulations.~~

(B) ~~Hot PHF (TCS) shall be held at 135° F±2° or above.~~

(C) ~~BARBECUE grills shall be constructed of non-toxic materials designed for the cooking of FOOD. Use of recycled 55-gallon metal drums is prohibited.~~

15-304.16 FOOD Preparation

(A) ~~All FOOD handling and preparation shall take place within the PERMITTED TEMPORARY FOOD ESTABLISHMENT unless prepared at an APPROVED FOOD ESTABLISHMENT.~~

(B) ~~POTENTIALLY HAZARDOUS FOOD (TCS) served at the TEMPORARY FOOD ESTABLISHMENT shall be prepared and served on the same day and shall not be held for service on the following day.~~

(C) ~~FROZEN FOOD shall be thawed by one of the following APPROVED methods:~~

(1) ~~Under refrigeration.~~

(2) ~~In an ice chest, with drain, provided the FOOD is maintained at 41°F±2° or colder.~~

(3) ~~As part of the cooking process.~~

15-304.17 FOOD Protection and Storage

~~During transport and storage, all FOOD shall be protected from CONTAMINATION and held within~~

(B) Designate an area where food vendors and temporary food establishments may refill potable water and dump wastewater in an approved manner, and

(C) Provide sufficient area lighting if the event operates after sundown.

14-4	Severability Clause
Subparts	
14-401	Severability Clause

14-401 Severability Clause

Should any section, paragraph, sentence, clause, or phrase of these regulations be declared unconstitutional or invalid for any reason the remainder of these regulations must not be affected thereby.

Appendix A— Communicable Disease Protocol

The purpose of this Protocol is to assist the Person in Charge of a food establishment to take appropriate measures when dealing with an employee ill with pathogens that may be spread in food as required by Nevada Administrative Code (NAC) 441A-Communicable Diseases

Communicable Diseases that have the potential to cause Foodborne illness and are reportable to the Health Authority include but are not limited to: Amebiasis, Campylobacteriosis, Cryptosporidiosis, E.coli O157:H7, Giardiasis, Hepatitis A, Salmonellosis, Shigellosis, Typhoid Fever and any extraordinary occurrence of illness or foodborne disease outbreak such as that associated with Norovirus (a more extensive list can be found in NAC 441A).

Food and beverage handlers are considered to be employed in sensitive occupations (NAC 441A.170) which enhance the potential for transmission of a communicable disease to other persons if a person who is infected with the communicable disease is working while in a contagious stage.

The Person in Charge of a food establishment must:

- Report known or suspect communicable disease to the Health Authority (NAC 441A.255).
- Prohibit a food handler from working with:
 1. Symptoms of gastrointestinal illness such as abdominal cramping, diarrhea, or vomiting until symptom free for at least 24 hours.
 2. Jaundice until laboratory results indicate the individual is not currently infected with Hepatitis A.
 3. A lesion(s) that cannot be effectively covered until such time as the wound has healed or a physician's note is provided indicating the lesion(s) is not infectious.
 4. Sore throat with fever. Note: A worker experiencing active symptoms caused by seasonal allergies or hay fever (persistent cough, running nose, and/or sneezing) shall be prohibited from open food service until symptoms are controlled.
- Cooperate with the Health Authority during an epidemiological investigation and carry out measures for the prevention, suppression, and control of a communicable disease (NAC 441A.280 and 441A.530) including:
 1. Providing information, including names and addresses of patrons and employees, work schedules of employees, illness histories of employees, menus and any other information necessary to complete the investigation.
 2. Providing access to employees for interviewing and obtaining clinical specimens.
 3. Providing food, beverage and environmental samples for laboratory analysis.
 4. Exclusion of an employee as required by NAC 441A specific to the diagnosis until cleared to return to work by the Health Authority.
- ~~(A) Institute infection control, and hygienic and sanitation measures as required safe temperatures as set forth in these Regulations.~~
- ~~(B) All FOOD, FOOD CONTACT SURFACES, SINGLE SERVICE ARTICLES, and SINGLE USE ARTICLES shall be stored at least 6" off the ground or floor.~~
- ~~(C) All FOOD shall be covered or shielded to protect it from dust, dirt, insects, patrons, and other sources of CONTAMINATION.~~
- ~~(D) Animals are prohibited in FOOD preparation and storage areas except as specified in Chapter 6-501.21 of these Regulations.~~
- ~~(E) CONDIMENTS shall be dispensed in single service type packaging, or from squeeze bottles, shakers, or dispensers APPROVED by the HEALTH AUTHORITY.~~
- ~~(F) Samples shall be dispensed by means that prevent CONSUMERS from contaminating other samples. Sampling methods may include:
 - 1) Individually wrapped portions.
 - 2) Tongs.
 - 3) Toothpicks.
 - 4) Units that dispense one sample at a time.~~

~~(5) Separation by use of deli paper or cups.~~

~~(6) A FOOD HANDLER dispensing a sample into the CONSUMER's hands by use of a gloved hand or UTENSIL.~~

~~(G) FOOD shall be protected from CROSS-CONTAMINATION by keeping raw animal products away from READY-TO-EAT FOOD during transportation, storage, preparation, holding, and display.~~

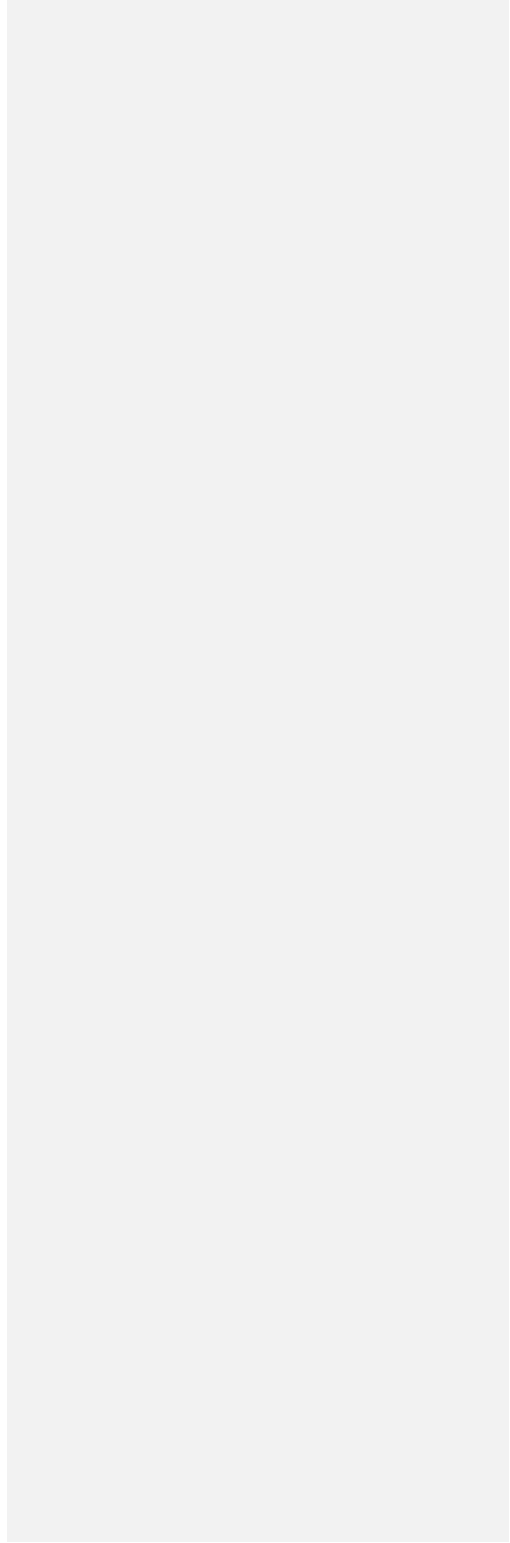
~~(1) The same ice chest may not be used for the storage of both raw animal products and READY-TO-EAT FOOD.~~

- (2) ~~EQUIPMENT and UTENSILS shall be thoroughly cleaned and sanitized, as specified in Section 15-304.19 of this Chapter, between being used for raw animal products and READY TO EAT FOOD.~~
- (3) ~~When WARE WASHING facilities are not available, an adequate supply of clearly identified EQUIPMENT and UTENSILS shall be provided for use on raw animal products.~~
- (H) ~~FOOD dispensing UTENSILS shall be stored in a manner that protects UTENSILS and FOOD from CONTAMINATION. UTENSILS may be stored:~~
 - (1) ~~In the FOOD product with the handle extended above the FOOD.~~
 - (2) ~~On a FOOD CONTACT SURFACE including but not limited to a clean portion of a FOOD preparation table or cooking EQUIPMENT that has been properly cleaned and sanitized at an APPROVED frequency.~~
 - (3) ~~In a clean, protected location if the UTENSILS including but not limited to ice scoops, are used only with a FOOD that is non-PHF (TCS).~~
 - (4) ~~In a container of water, if the water is maintained at a temperature of 41°F±2°, or below, or 135°F±2°, or above, and the UTENSILS and the container are cleaned at least every four hours or at a frequency necessary to preclude accumulation of FOOD residues.~~
- (I) ~~Ice intended for use in BEVERAGES shall be stored separately from ice used for all other purposes, and shall be dispensed as directed in Section (G) above using an APPROVED scoop with a handle.~~
- (J) ~~Ice used for cooling shall not be used for consumption. Ice used for cooling purposes:~~
 - (1) ~~Shall not come in direct contact with FOOD.~~
 - (2) ~~Shall have adequate drainage to prevent pooling of water.~~
- (K) ~~BEVERAGES stored in cooling ice are not allowed for self-service to the general public and shall be dispensed by the TEMPORARY FOOD ESTABLISHMENT operator.~~
- (L) ~~Chemicals shall be stored separate from, and below, all FOOD, SINGLE-SERVICE ARTICLES, SINGLE-USE ARTICLES, and FOOD EQUIPMENT.~~
- (M) ~~FOOD preparation and cooking EQUIPMENT shall not be stored in areas accessible to the public.~~
- (N) ~~All open FOOD preparation, storage, and display surfaces shall be SMOOTH and EASILY CLEANABLE.~~
- (O) ~~Cloth towels shall not come in direct contact with FOOD.~~

15-304.18 Hygienic Practices Requirements and HAND WASHING SINKS

- (A) ~~A HAND WASHING SINK shall be readily accessible inside or directly adjacent to, but not more than 10' from, the preparation area of a TEMPORARY FOOD ESTABLISHMENT. The HAND WASHING SINK shall be in place, properly equipped, and ready for use prior to any open FOOD handling.~~
 - (1) ~~When a portable or plumbed HAND WASHING SINK is not available, a container with a spigot or other means that will allow gravity flow of tempered water, at temperatures of 90°±2° to 110°±2°, with a minimum capacity of two gallons shall be provided. At least five gallons of potable water shall be available on-site for the purpose of washing hands.~~
 - (2) ~~Liquid hand soap in a pump dispenser, and single use paper towels dispensed in a sanitary manner, shall be available at the HAND WASHING SINK.~~
 - (3) ~~Waste water from the hand washing process shall drain into a designated container large enough to prevent splash or overflow. The waste water container shall be emptied as needed into a sanitary sewer.~~
 - (4) ~~A waste receptacle shall be located near the HAND WASHING SINK for the disposal of paper towels.~~
 - (5) ~~Hand sanitizers and single service gloves may be used, but are not a substitute for hand washing. An employee of a FOOD ESTABLISHMENT shall not use a pair of gloves intended for a single use for more than one purpose, and shall discard the gloves after they are damaged or soiled, or after the process of preparing FOOD has been interrupted.~~
 - (6) ~~When using gloves for working with FOOD, hands shall be washed before donning gloves for working with FOOD and after removing gloves when handling raw animal products.~~
 - (7) ~~A HAND WASHING SINK is not required if the only FOOD items offered are commercially PRE-PACKAGED FOOD and BEVERAGES that are dispensed in their original unopened containers.~~
- (B) ~~FOOD service workers, as a minimum, shall wash their hands:~~
 - (1) ~~Before entering FOOD preparation and service areas.~~
 - (2) ~~Immediately before engaging in any FOOD preparation.~~
 - (3) ~~Before donning gloves for working with READY TO EAT FOOD and after removal of gloves when~~

| ~~working with raw animal product.~~



- (4) ~~After using the toilet, smoking, eating, or handling raw FOOD.~~
- (5) ~~As often as necessary to remove soil and CONTAMINATION and to prevent CROSS-CONTAMINATION.~~

~~4.5. Unless prior operational procedures are APPROVED by the Health Authority, FOOD HANDLERS shall eliminate bare hand contact with READY TO EAT FOOD by suitable means including but not limited to deli paper, spatulas, tongs, single use gloves, or dispensing EQUIPMENT. The use of single use gloves or UTENSILS is not a substitute for required hand washing. A guidance document is provided in Appendix K.~~

- (C) ~~More information can be found on the FDA website: [Employee Health and Personal Hygiene Handbook](#)~~ Eating in the TEMPORARY FOOD ESTABLISHMENT shall be RESTRICTED to designated areas away from all

~~FOOD preparation and storage areas.~~

- (D) ~~Employee BEVERAGES shall be in a closed container and stored away from FOOD and FOOD CONTACT SURFACES.~~

- (E) ~~All FOOD HANDLERS shall wear clean clothing.~~

- (F) ~~Any PERSON not directly involved in the operation of a TEMPORARY FOOD ESTABLISHMENT shall be RESTRICTED from FOOD preparation and service areas.~~

~~15-304.19 Cleaning and Sanitizing of UTENSILS and EQUIPMENT~~

- (A) ~~An APPROVED sanitizing solution in a labeled container shall be available prior to any open FOOD handling taking place.~~

- (1) ~~APPROVED sanitizer solutions in water include 50-100 ppm chlorine (bleach), or at a concentration specified by the manufacturer, quaternary ammonium compound applied at a concentration specified by the manufacturer, or 12.5 ppm iodine or at a concentration specified by the manufacturer,~~

- (2) ~~Appropriate test strips shall be available and used to measure the concentration of the sanitizer.~~

- (3) ~~Clean wiping cloths shall be used for frequent sanitizing of FOOD CONTACT SURFACES and EQUIPMENT and shall be stored in the sanitizing solution when not in use.~~

- (B) ~~EQUIPMENT and UTENSILS shall be washed, rinsed, and sanitized at least once every four hours, or replaced after four hours.~~

- (1) ~~When available, a three compartment sink or commercial dish washing machine, plumbed with hot and cold water, shall be used to wash, rinse, and sanitize FOOD service UTENSILS and EQUIPMENT.~~

- (2) ~~As a minimum, a WARE WASHING facility shall have:~~

- (a) ~~Three basins large enough for immersion of UTENSILS and EQUIPMENT.~~

- (b) ~~An adequate supply of potable water.~~

- (c) ~~An APPROVED disposal system for waste water.~~

- (3) ~~Sequence for manual WARE WASHING:~~

- (a) ~~Wash in the first basin with a clean solution of detergent and water with a minimum temperature of 110°F±2°.~~

- (b) ~~Rinse in the second basin filled with clean water.~~

- (c) ~~Sanitize in the third basin by immersion for a minimum of 1 minute, or as directed by the manufacturer, in an APPROVED sanitizing solution as listed in Chapter 4-402.11(B) (3) of these Regulations.~~

- (d) ~~Air dried in a sanitary manner.~~

- (e) ~~Water shall be changed as necessary.~~

- (C) ~~Those TEMPORARY FOOD ESTABLISHMENTS, at SPECIAL EVENTS with common WARE WASHING facilities, shall maintain a sufficient supply of clean and sanitized UTENSILS and/or EQUIPMENT, within the establishment, to provide for the required replacement at least every four hours or more often as needed. All dirty UTENSILS shall be returned to the common WARE WASHING area for cleaning and sanitizing.~~

- (D) ~~Clean UTENSILS shall be stored in a sanitary manner.~~

~~15-304.20 TEMPORARY FOOD ESTABLISHMENT Site Requirements~~

~~(A) TEMPORARY FOOD ESTABLISHMENTS shall be constructed and located to minimize the RISK of FOOD CONTAMINATION from external sources including but not limited to SEWAGE, flooding, dust, insects, and vermin.~~

- ~~(B) The floor, ground, or ground cover shall be maintained to minimize CONTAMINATION from dust, insects, and water, and be graded to drain away from the TEMPORARY FOOD ESTABLISHMENT.~~
- ~~(C) Where a temporary structure is provided it shall be constructed in a manner to prevent CONTAMINATION of FOOD, and FOOD CONTACT SURFACES.~~
- ~~(D) Heating EQUIPMENT, and cooking and storage EQUIPMENT shall be located in an area inaccessible to the public.~~
- ~~(E) Outdoor open FOOD operations shall have overhead protection unless otherwise specified by the local fire authority.~~
- ~~(F) TEMPORARY FOOD ESTABLISHMENTS may not be closer than 50' from any non-sewered toilets and/or animal pens. The 50' setback requirement may be waived by the HEALTH AUTHORITY if public health concerns are not compromised by such WAIVER.~~

15-304.21 Water Supply

~~An adequate supply of potable water shall be available for cooking purposes, hand washing, and cleaning and SANITIZATION of EQUIPMENT, UTENSILS, and FOOD CONTACT SURFACES. A public water supply shall be protected with the appropriate backflow prevention device. Non-GRADE or garden hoses shall not be used for delivery of water for human consumption or FOOD preparation.~~

15-304.22 Waste Water

~~Waste water shall be disposed into a sanitary sewer system. Waste water shall not be dumped onto the ground surface, into waterways, or into storm drains. Waste water shall be collected in watertight containers until properly disposed. A TEMPORARY FOOD ESTABLISHMENT shall cease all FOOD operations if waste water spills occur.~~

15-304.23 Solid Waste

~~Frequent disposal of solid waste is required to prevent excessive accumulation and to eliminate the potential for a public health HAZARD.~~

15-304.24 Lighting

~~A minimum of 35 foot candles of natural or artificial light shall be provided on all work surfaces. Artificial lighting above open FOOD areas shall be shielded.~~

15-401 Operation of TEMPORARY FOOD ESTABLISHMENT Without a PERMIT

15-401.11 TEMPORARY FOOD ESTABLISHMENT Operators

~~TEMPORARY FOOD ESTABLISHMENT operators who are found operating without a valid health PERMIT shall be required to cease FOOD operations immediately until a valid health PERMIT is APPROVED and obtained. Failure to comply will result in a written notice of violation and possible subsequent legal action taken by the HEALTH AUTHORITY.~~

15-402 Inspections 15-

402.11 Credentials

~~After presenting official credentials, the HEALTH AUTHORITY shall be allowed to inspect, at any reasonable time, any FOOD ESTABLISHMENT within Clark County to determine compliance with these Regulations. The HEALTH AUTHORITY shall be allowed to examine any applicable information pertaining to FOOD and supplies purchased, received, or used, and PERSONS employed.~~

15-402.12 Findings

~~Whenever the HEALTH AUTHORITY makes an inspection of a FOOD ESTABLISHMENT, the findings shall be recorded on an inspection report form. The HEALTH AUTHORITY shall furnish the original of the inspection report form to the PERMIT HOLDER, operator, or the designated PERSON IN CHARGE.~~

15-403 Examination and Condemnation of FOOD

15-403.11 ADULTERATED FOOD or RISK to Public Health

~~FOOD which upon inspection of a TEMPORARY FOOD ESTABLISHMENT by the HEALTH AUTHORITY, is determined to have been potentially ADULTERATED or for any reason may present a substantial RISK to public health shall be~~

condemned. FOOD that has been condemned may be voluntarily destroyed and discarded by the establishment operator in the presence of the HEALTH AUTHORITY or otherwise placed on hold as specified in NRS 446.920.

15-404 FOOD BORNE ILLNESS Reporting and Investigation

15-404.11 Notification

When a FOOD BORNE ILLNESS or FOOD related injury is reported to any employee of a TEMPORARY FOOD ESTABLISHMENT, the employee shall notify the operator of the ESTABLISHMENT immediately of the report. The operator shall immediately report the incident to the HEALTH AUTHORITY and remove from sale, and refrigerate, any suspect FOOD until release by the HEALTH AUTHORITY.

15-404.12 Investigation

When the HEALTH AUTHORITY suspects that a SPECIAL EVENT, TEMPORARY FOOD ESTABLISHMENT, or its employees may be the source of a FOOD borne illness, appropriate action shall be taken to control transmission of the FOOD borne illness. Such action may include, but is not limited to, any or all of the following:

- (A) Secure records that may enable identification of PERSONS potentially exposed to the illness, and/or requiring additional assistance in locating such PERSONS. This includes records of hotels, motels, or any other facilities on whose PREMISES the TEMPORARY FOOD ESTABLISHMENT is operating.
- (B) Obtain samples of any suspect FOOD for laboratory examination.
- (C) Require the destruction of suspect FOOD, or preventing the suspect FOOD being served until such time as the FOOD has been deemed safe for human consumption.
- (D) Require implementation of environmental controls to reduce the potential exposure of the public to environmental contaminants or injuries resulting from existing conditions at a SPECIAL EVENT or in a TEMPORARY FOOD ESTABLISHMENT.

15-405

Enforce ment Actions 15- 405.11 Notice of Violation

Whenever the HEALTH AUTHORITY finds an unsanitary condition, or an IMMINENT HEALTH HAZARD at a SPECIAL EVENT or in the operation of a TEMPORARY FOOD ESTABLISHMENT, the HEALTH AUTHORITY may issue a written Notice of Violation (NOV) to the PERMIT HOLDER or operator citing the condition, and specifying the time in which the corrective action must be taken. The HEALTH AUTHORITY may suspend an operation or a portion thereof for a critical or major violation until such time as the violation has been corrected.

15-405-12 Cease and Desist

The HEALTH AUTHORITY may issue a CEASE AND DESIST ORDER of all operations until the IMMINENT HEALTH HAZARD has been abated and a reinspection has been conducted to ensure compliance. The TEMPORARY FOOD ESTABLISHMENT PERMIT will be reinstated only after the violations have been corrected.

15-406 Interference with Performance of Duty 15-406.11 UnLAWful

As per NRS 446.895(3), it is unLAWful for any PERSON to interfere with the HEALTH AUTHORITY in the performance of his or her duties.

Appendix B— Checklist for Reopening After an Imminent Health Hazard



Checklist for Reopening After an Imminent Health Hazard

The permit holder shall ensure that the imminent health hazard has been corrected and all items on this checklist are verified:



EHFoodOpsAdmin@SNHD.ORG
 Main Office (702) 759 - 1110
 After hours (702) 759 - 1600

Physical Facility

- Electricity is available throughout facility
- If applicable, natural gas is available to facility
- All plumbing is operating properly
- There is no visible damage or incomplete repairs, all gaps and holes are sealed
- Floors, walls, and ceiling are clean
- Lights are operational and at proper brightness
- Cold and hot water is available throughout the facility
- Hot water is available at a minimum of 100°F at every hand sink
- Hot water is available at a minimum of 120°F at the 3-compartment sink

Facility Operation

- All potentially contaminated food is discarded
- All kitchenware and equipment are properly washed, rinsed, sanitized, and air dried
- All dishware and utensils are properly washed, rinsed, sanitized, and air dried
- Cold holding units are holding at or below 41°F
- Freezer units are holding at or below 0°F
- All unit thermometers are working properly
- Hot holding units are holding at or above 135°F
- Dishwasher/glasswasher is operating properly
- Hood ventilation system is operating properly
- Hand sinks and restrooms are stocked and operational

Inspection Readiness

- Sanitizer buckets are set up at proper concentration
- Thermometers are calibrated
- Pest control records are available
- Air curtains are operating properly
- Person in Charge is available and knowledgeable
- All food handlers have current Food Handler Safety Training Cards (Health Card)
- All food is labeled and dated as required
- Grade card and required signs are posted conspicuously

Facility Name:	Closed on:	Re-Opened on:
Permit Number:	Date:	Date:
Person in Charge Name:	Time:	Time:



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Appendix C—Dogs in Outdoor Dining Areas Agreement

Initials <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> 	<p>By initialing next to each box below, I attest that I understand and agree to enforce the following conditions when allowing dogs in an outdoor dining area located on the premises of my food establishment.</p>			
	<p>Other than service animals and security/police dogs, dogs will not be allowed inside the food establishment at any time and dogs will not be permitted to pass through the food establishment to access the outdoor dining area.</p>			
	<p>Signage will be posted conspicuously at the outdoor dining area with the following minimum requirements listed:</p> <ul style="list-style-type: none"> • Patrons must keep their dogs on a leash, in a carrier, or otherwise restrained, • Dog waste must be cleaned up by the dog owner using disposable bags and/or clean up kits provided, and discarded in the designated covered trashcans, • Dogs must remain on the ground, and are not allowed on seats, benches, tables, or other furniture, and • Dogs must not eat off of reusable tableware or utensils. If a cup or bowl is needed, please ask an employee for a disposable container. 			
	<p>Each outdoor dining area where dogs are permitted:</p> <ul style="list-style-type: none"> • Will have a covered trashcan and disposable trash bags conveniently and conspicuously located for use by patrons. The trashcan(s) will be emptied on a frequent basis, into an outdoor dumpster, to prevent nuisance conditions, and • Will be deep cleaned on a frequent enough basis to prevent pests, the buildup of soil, and odors. Mops, brooms, and other tools used to clean the outdoor dining area will not be used for other purposes and will be stored separately from any food storage or handling area. 			
	<p>The Person in Charge will enforce, and employees will be trained, on the following:</p> <ul style="list-style-type: none"> • Prohibiting dogs from eating or drinking from reusable kitchenware (<u>i.e.</u> by offering disposable wares to the patron), • Preparation of a waste clean-up kit, when to provide it to a patron, and how to block off or clear an area that requires clean-up, • Proper handwashing techniques, and • Avoiding cross-contamination by prohibiting touching, serving, or cleaning up after dogs while working in a food handling capacity. 			
	<p>Waste clean-up kits will be provided by the food establishment to patrons as needed. The kit will contain disposable gloves, liquid absorbent, a scoop, and a scraper to be used by patrons to remove waste.</p>			
	<p>I understand and agree that:</p> <ul style="list-style-type: none"> • The Americans with Disability Act takes precedence if there is a conflict with an interpretation of this agreement, and • The permit holder is responsible for mitigating nuisance conditions created by allowing dogs on the outdoor premises of the food establishment. Damage to persons and/or animals related to animal interactions on premises are the sole responsibility of the permit holder and/or dog owner or handler. 			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">Print Name:</td> <td style="width: 50%; padding: 2px;">Title/Position:</td> </tr> <tr> <td style="padding: 2px;">Signature:</td> <td style="padding: 2px;">Date:</td> </tr> </table>	Print Name:	Title/Position:	Signature:
Print Name:	Title/Position:			
Signature:	Date:			



ATTACHMENT

D



Public Workshop Transcript for Proposed 2023 Food Regulations
October 24, 2022 – WebEx Event #269640704

"Candice Sims"

Good afternoon. Thank you for coming today. The time is 1:03, and we're going to go ahead and get started with this public workshop. My name is Candice Sims from the Environmental Health Division. I am the supervisor for plan review. We are here for a public workshop for the 2023 Food Regulations. Also, with me today, our people from our leadership team, and I'll have them introduce themselves briefly.

"Larry Rogers"

Hi. Good morning. My name is Larry Rogers. I am the manager of our specialized operations section.

"Robert Urzi"

Hi, I'm Robert. I'm a supervisor for the Food Operations program and just kind of filling in for our food manager, Aaron DelCotto, today who is off and coming back tomorrow.

"Chris Saxton"

Hello everyone, Chris Saxton, Director of Environmental Health here.

"Karla Shoup"

Environmental health manager for the Consumer Health section and I oversee oh, childcare, body art, pools and plan review.

"Candice Sims"

Thank you and I believe my screen is sharing.

"Heather Hanoff"

They can see the changes by chapter.

"Candice Sims"

All right so today we're going to go over the changes by chapter document and you're going to see in the red where it actually shows changes that have occurred since our last listening session. These are changes that were really received, prompted by input from industry. So, for this final

draft proposal, I think it's most fitting to go over those changes that we've added since that time. So, at this time, we will be taking public comments. If you have any public comments to make it this time, you can come up to the podium. Um, we're going to give a five minute limit on the comments. And if you are a virtual, you can raise your hand in the virtual meeting app and you will be called when it's when we see your hand.

"Cara Evangelista"

Hi, my name is Cara Evangelista. Um, I work for Impact Food Safety and Environmental Health, and we represent everybody from small mom and pops to large arenas and casinos. I want to thank you for the process. For the first go around, we had a lot of comments, and a lot of our comments were taken into consideration and changes were made to the draft regulation. We basically have one big comment left and that's about the certified food protection manager (CFPM). We are concerned about this section. It's a little bit unclear about how many would, specifically for big properties, how many people would be required but these are a couple of comments that I had. Um, so as we know, we're basically adopting the food code. Um, the food code is based on the average knowledge of a restaurant in the country. As everybody knows here, Las Vegas is not a normal uh, city in the country or so, Nevada. There's a high, high level. It is one of the most hardest, uh, food regulated uh counties in the country. So, for instance, when I go in, even when we get new clients, or when I was an inspector, I would go in and sometimes chefs knew more than me. They're very highly educated. So, you know, forcing them to get a piece of paper that says I passed the food safety test is not necessary. It's not like being someplace else where people just open restaurants and don't know what they're doing. These people are highly educated. Um, and in fact, I would say that in 90% of the facilities in Southern Nevada, you're going to find someone with a high level of food knowledge. I wanted to talk about the cost of getting a certificate with the proctor, the training, the class, the train class, the test and the salary, we could be looking at anywhere between \$800-1,000 dollars a person and that's if they pass the test on the first try. We wanted to ask about a grace period. As you guys know, even here in the health department, to get a REHS there's a three year grace period to get the full license. We're asking for 12 to 18 months from hire a grace period for the person in charge or the chef to get have to get the test and pass it as most professional professions allow for this, especially at an entry level, sous chef or general manager job um. I wanted to give an example of what's allowed at in LA County. In LA County, uh, say I have five restaurants. I'm only required to have one CFPM and they're allowed to post their serve safe certificate at multiple locations and then they have PICs that work underneath them at each location. If there's a lack of managerial control, that's when the demerits are written. Um, as you know also, to expand a little bit, here in Las Vegas, there's been in the last ten years new positions created for sanitarian or food safety manager or they hire consultants and things of this nature, and if you go other places in other parts of the country, people do not have the sanitarian position unless they're like a wholesale USDA facility. This is a high level. And I just wanted to remind people with this new regulation, that we could be required to have 40 to 100 people with CFPMs in one location so we're asking. Oh, and I wanted to ask, I wanted to also discuss that yes, we know that many jurisdictions have adopted food code and that the health department is attempting to reach that standardization level. However, remember that the health department here is the highest uh, enforcement level of any jurisdiction. It's not the regulation that makes Nevada so hard; it's

enforcement. For instance, in Maricopa County yes, they've adopted the food code, but they get three inspections before a failure is posted. So, they get their first unannounced. If they fail that, they get another inspection. If they fail that, they get another inspection. If they fail the third inspection, that's when it posts to the news and things like that. Here you get three demerits or three violations and it's a downgrade automatic. That's what makes the health department so hard. So, this is what we were asking. We ask for current regulation language, where a facility, a casino, a restaurant is allowed to designate the CFPM and then there's PICs working underneath them. If there's a lack of managerial control, then the three point demerit happens. We ask for the 12 to 18 month grace period, like any other profession to get the CFPM uh requirement. Um, and so that's kind of the CFPM. We didn't really have many other comments because there was some like, we didn't understand. I sent it to you guys, our comments, but mostly um this is the one and then the second thing is, we do ask because it's so hard here that we know that it's really how the regulations are going to be applied so that when you're making a new form and you're determining where the demerits are going to be that the industry does have a part in that where we can work cooperatively. Um, so that we're not, it's not so much easier to downgrade after these regulations are passed. Thank you.

"Larry Rogers"

So, I had a quick question for you, so the 12 to 18 month grace period you're talking about. Oh, sorry. Hi. My name is Larry Rogers manager specialized Food Operations. So, the 12 to 18 month grace period you were talking about, is that just when the regulations are passed, or did you want that just in general?

"Cara Evangelista"

In general, because we didn't ask that. I've said before where we do the regulation like they've been done with the pool reg and the food reg where you get that year. But if you think about it, even here at the health department, somebody's hired in from college or even nobody has an REHS when they start here. Very few people unless they're coming in at a manager level. There's a three year grace period here to get an REHS. There's a, there's a transition for anybody coming into a profession so that's what we're just asking for, the same consideration, when now this it's not a test you could go take online. It's got to be proctored. There's also only so many proctors in town doing so many tests, you know, so it's gotta be proctored. There's a class for it. That's 8 hours to 16 hours. You've got to have a proctor that you pay for. You've got to pay for these people's salary. They got to study the book and a lot of people, they're not going to come in with it, especially right now. Dude, you know how bad it is so thanks.

"Candice Sims"

Do we have any other public comments? And when you state your name and your business, please also spell your last name.

"Brisa Stephani"

Okay. I'm Brisa Stephani, um, with Impact Food Safety and I just want to add a couple more things for consideration in regard to Chapter 2 specifically the CFPM requirement. The first consideration I want to bring up to you guys is to consider when, when applying enforcement,

we hope that inspectors consider all the contributing factors with regards to CFPM. Meaning, you know, we all agree that if there is a complete lack of food safety in an establishment, and there's no one to take responsibility for that, then yes that deems a violation, if not more restrictions. However, there are places with multiple permits and layers of food safety, um like she mentioned, with certified chefs, super knowledgeable chefs, outside auditors, third party vendors, onsite sanitarians, food consultants, food safety consultants where maybe it wouldn't be warranted because they have so many layers, and they do have control. The second consideration that I am requesting like Cara mentioned is just kind of to add more to the request of a grace period of 12 to 18 months, you know, at minimum a year from the time the employee starts from hire date because all industries are experiencing high turnover rates. Another example is getting the inspectors FDA standardized, they even have a grace period of 18 months from the time the person is hired. And these are professional careers so can you imagine entry level food workers or mom and pops that don't have maybe the funds to constantly hire people because they do last less, right. The other part to that is also there's language barriers. The tests don't directly translate in other languages like they do in English and so a lot of the staff that speak other languages are having trouble passing them, because they don't understand the translation and so they have to take it multiple times. So that's something else that we're seeing out there, which causes them to pay more money to pass that exam. Also, we hope, you know, we know that it is a requirement for SNHD to have this in there to meet an FDA standard. We're aware of that. We just hope that this requirement is enforced with the intention to support industry with food safety and not to avoid justifying a difference in our regulations versus FDA food code. And then, lastly, I really, I really can't stress this enough. I really want to thank you guys for working with industry and with us, and for everything you do daily, because you guys have been really open and communicating during this process, which is a big difference from previous management styles and so you have taken industry's comments and concerns into consideration, and we really do appreciate that through this process so thank you.

"Candice Sims"

Do we have any coming through virtually?

"Heather Hanoff"

We do have one person with their hand raised. Jason Gray, I've unmuted you.

"Jason Gray"

Thank you. I appreciate it. Jason Gray from MGM Resorts International. Last name is G-R-A-Y. It wasn't clear if you'd be taking questions or clarifications along the way, as you do the chapter by chapter review so I just respectfully offer them, one of them now. I have three comments. One to echo those speakers who came before me, the most recent iteration of the food code, taking into consideration comments that were received from industry during the business impact statement is much improved and so we absolutely appreciate the thoughtful consideration of those comments and incorporation of many of the items. I concur that the recent version that will be reviewed today is as much improved and so we express our appreciation for that. I had a real quick clarification. One of the items that we appreciate very much is the increase square footage for temporary food establishments and I have more of a process clarification with the

additional square footage, which I understand to be 200 square feet for a high risk temporary food vendor and between 200-400 square feet for all others. Procedurally, if a temporary food vendor were to exceed that square footage, would the process for approval be obtaining an additional permit to cover the cost associated with inspection or would something more onerous like, a waiver be required? I just want to make sure that we're not foreclosing opportunities to consider larger, temporary food vendor, uh, square footage allotments if the case calls for it. So, it was just unclear to me, as somebody who is not a practitioner on the front lines navigating these waters day to day, what that process would be if you do exceed those standards. That was my question. And then the second, as it relates to comments, I very much appreciate and echo, although I do understand a comment was made specifically in the context of the CFPM, but I think is a global big picture comment, at least 12 to 18 months. Perhaps 12, if that's the standard before restaurants are inspected for enforcement purposes to the new standards of the food code. So, if something is new and or revised, an opportunity for, and we talked about this a little bit during the last workshop operators to become very familiar, trained up, and to educate their workforce on the new expectations, before they're actually enforced to that standard for downgrade purposes. I think it would be really, really important and really goes to compliance being the goal in all of this. And then the last comment would be there were previous requests for receipt of any new form and/or template that would be used by SNHD staff for inspection purposes. I understand that that hasn't been done and that there's a lot of sort of influx to make something like that happen but I would just stress that it would be really important for posted food code adoption training to incorporate review with industry of those new forms so that they know precisely how their inspections will go when they are when they are, in fact, enforced or excuse me inspected for enforcement purposes to the new standards. So, those are my comments and I certainly appreciate it.

"Candice Sims"

Thank you, Jason. And I think we'll take one more virtual, Heather, and then I'll go through the changes by chapter, and I realized that I can do public comments after changes by chapter.

"Heather Hanoff"

We don't have any more virtual, um, people with their hands raised.

"Candice Sims"

All right. So, let's go ahead and go through changes by chapter of the new changes. And then I'll call for another public comment. And for those of you, who had a chance to really look at this document, there aren't that many changes, um, but the things that we did incorporate are very significant and they help industry quite a bit. So, chapter 1, we've added some definitions here. We've added some definitions and for example, service area, servicing areas and vending machines. We've taken out a couple of definitions such as high risk food establishment and medium risk food establishment. I won't name off all of these definition changes because those are a little bit less significant. And if you have any comment for those, you can hold that until afterwards. So, on chapter 2 management and personnel. The biggest one that we've been talking about is the CFPM, and we've decided to not have this apply to low risk food facilities or temporary establishments, or any other type of food establishment that the health authority

deems to be a minimal risk. So, when we say low risk, we're talking about places that do not cook, cool, or reheat food. So, your typical ice cream shop might count for that. Also, they would not be required to have this food protection manager, for example. The next change here we have is. Let's see here. Okay, this is regarding the food handler cards. We had a request that the public not have to show us their actual card, but just show us proof of the card. So, for example, if you have a copy of your card, you take a picture of it on your cell phone. You can show us that copy. If you have a printed paper, because you did your test online under our new system online, you print that certificate. You can show us that and we have the ability to verify that on our app. So that's a nice thing. The next part is some of the people that are exempt from having a food handler training card. We've included student volunteers working in a school. That one was already there, but we've also included volunteers working for a charitable organization, 501(C)(3). So, as long as those are supervised by a CFPM, those volunteers do not have to get their own food handler card. That helps them maintain their volunteer force a little bit easier. The next change that we put in all the way on chapter 3. Let me make sure I didn't skip. Okay, specifics for receiving. So, for areas that service multiple food establishment, we want to make sure that they have adequate refrigeration that is large enough to store palletized goods. So, who does this pertain to? This pertains to really a new construction of like a major casino or large warehouse building that stores refrigerated food. Um, maybe not so much a warehouse because they can easily take those pallets straight to where they need to be set, but if you have maybe a major casino property, and you're receiving, we don't want those palletized goods left out until somebody can run down and come get them so those would, this requires adequate refrigeration for that circumstance. And scrolling down to 3-3, the in-use utensils. This was a really nice change, I believe um, industry requested. So, if you have in-use utensils and you're storing them in ice water, we are going to go ahead and allow that as long as the ice water and the container is cleaned per the frequency of chapter 4. So, you're every 4 hours or more frequent um, depending on what you have. You know what you're scoping with that utensil so that was a very nice one. The next change is, okay, this was another one that industry requested, and it seemed pretty reasonable, which was raw animal foods that are cooked using a noncontinuous process and are not served the same day, shall do all these things. So initially, if you were doing a noncontinuous cooking process, say you're doing chicken wings and you're going to serve them the same day, the regulation actually stated that you had to have a written procedure part F here, a written procedure in place that met all of these requirements 1 through 5. Well, that seemed like a lot for places who are just trying to do their chicken wings, for example, and so we said, okay, fine. If those are not going to be served the same day, then you are not required to have that written procedure. It allows you to do your quick service and turn it around in a safe way. And as far as cold holding, so the food code requires 41 Fahrenheit degrees or less temperature for cold holding. There are no exceptions. Our regulation we went ahead and added part D to 3-501.6 so that way food can be held between 42 up to 45 for up to 24 hours as long as it has an expiration date listed on there. So that was a big deal for quick service places, make top tables, things like that. Have up to 45 for 24 hours. Again, in chapter 3, this is also a very big deal. Food establishments um must obtain a waiver if they're smoking, curing, using additives, um, including vinegar and things like that. So there. Let me just make sure. I'm having a hard time seeing this very well. Okay, that's the part that I wanted to read to you. Um, as you can see on C4, we put something in the regulation that allows for exemptions for things such as kimchi, salsa, sushi rice,

hot brine, pickling, and things like that so that if you were doing those sorts of processes, even though you may be using vinegar. Where part C would require you to do a waiver, this one is allowing you to apply for an exemption, which is a much simpler way of saying, "Hi, Health District. This is what we're doing. Are you okay with this?" And so, it's a quicker process and easier for industry to get through that one.

Chapter 4, nothing much changed for chapter 4 since the last listening session or chapter 5 or 6 or 7. Okay, uh, one of the biggest things that we did throughout the regulation is removed the designation for priority and priority foundation, kind of like assignment of I'll say value so each violation that was in the regulation was marked with a p or a pf and if it was not marked, it meant that it was a core violation. That in turn was basically saying that if it's a priority violation, it would be like, a critical violation giving 5 demerits. If it was priority foundation, it would be like a major violation, giving three demerits. We took those designations out so that we still can decide which violations are critical or major, or I should say, priority or priority foundation and we don't have an intention to really change those from what we currently do. There may be a few things that have to be updated based on a new regulation, but in general keeping basically the form that you see, right now. There will just be minor edits and we will not have to really change how we designate five demerits and three demerit violations. The next part required records. So, for a portable food operation, such as mobile vendors, open air vendors, caterers, um, things like that, we had it in each chapter to require temperature logs to be maintained for every four hours prior to loading your transport vehicle. You would have to take the temperature and it seemed to be a little overburdensome based on the comments we received. So, instead of requiring temperature logs for all of them, they're welcome to keep temperature logs, but it will not be a requirement. It will not be a violation if we don't see those logs, unless the facility is under the administrative process, or has a special requirement based on their trend of violations to do that. That was one change since the last listening session. Oops, related to open air vendors, uh, the previous iterations said that they had to, um, let me see here that a menu change could result in them, I think it was a menu change could result in them doing, like a remodel. And so, the only time that a menu change will, in fact, create a remodel for these open air vendors is if the change of menu results in a change of equipment or to the risk level of the establishment. So open air vendors can only be up to say risk level 2. So, if they somehow change their menu, where they become risk level 3, they need to come back through Plan Review and come back through for reassessment. That was one point of clarification. So again, these markings here for Chapter 11 and 12 are related to the temperature logs that we took out which I've already talked about, and now for chapter 14. Let's see. Okay. Mm. Hmm. It's up to 13. Okay, this one is regarding, uh, the need for a resource recovery program that basically just means recycling program. Previously, the regulation draft said that if you had 500 or more participants, you would have to have a recycling program where you would have your recycling trash can and things like that. Now, we increased this level up to 5,000 because that's what it was previously and industry said, yeah, you know, that's too much. 500 is too easy to reach on a normal event so 5,000 is more realistic so that one was a change. Now, for the event coordinator, we've added here, uh, that if there is a solitary tasting booth, it will be permitted as a temporary food establishment because the only other option was really to make them pull an event coordinator permit to cover that tasting booth and that costs more money than it does to just pull a temporary event permit. So, the cheaper option for having one tasting booth is to pull a temporary food establishment permit so that's why we clarified that

also. This is for large events, such as Nascar, EDC, things like that. If there is a large event that has over 100 food vendors and temporary food establishment permits. I'm sorry, food vendor and temporary food establishment permits, they can submit a proposal for the permitting of alternate booth sizes and, um, they can talk with a supervisor about how those permits would be broken up instead of following exactly to a T, what we have written here as far as 200 square feet, 400 square feet, and that is because by the time you get up to 100 permits, you're really talking about a lot of money and, um, of course, we're a nonprofit agency. We're just here to take care of business. So, um, we clarified that. Let's see, and just to be sure proposals for those large events must be submitted to the health authority 30 days prior to the start date of the event. That gives us time to work things out with the large event and do proper planning. All right. Okay, this next part, chapter 14.201 just talks about a temporary food establishment may be denied if the application has not been received, at least one business day prior to the start date of the event. It does not mean that you can't try to apply for that permit. Um, it just says it may be denied. So, it really has to do with our ability to staff that and to be able to inspect that if it's last minute. Let's see. Also, we did increase the square feet for temporary food establishments so that if it's a low risk food establishment, they can have up to 400 square feet and if it's a high risk food establishment, up to 200 square feet. And this is a good time to just tell Jason that you are able to pull a second permit or third, if your high risk booth is more than 200 square feet. Our goal is not to really restrict people's idea of what they want to do at special events. It is to just make sure that we're allotting enough time and resources to that high risk food establishment, based on size. And let's see, again, required records for an annual itinerant permit. We are not gonna require temperature logs for those unless they are in the administrative process, or otherwise required by supervision. So, that brings me to the end of the change document, and I hope everybody can see, as Brisa pointed out, that we've been trying to really work with industry to improve these regulations and we hope that it shows. So, the next thing I'd like to do, since I went out of order just a little bit earlier, I'll go back to public comment. If anybody has a public comment at this time, please go ahead and step up to the podium, state your name, business, and please spell your last name.

"Virginia Valentine"

Good afternoon. My name is Virginia Valentine. I'm with the Nevada Resort Association, and then Valentine is V-A-L-E-N-T-I-N-E. And I want to start with a thank you too. Watching the process. This is the 1st time I've been here in-person for a while, but it does look like a lot of our, um, questions were answered, and concerns were addressed. I do appreciate the comments on the 400 square foot on temporary food establishments. As, you know, we're in the process of planning for the Superbowl here in February of 2024. I'm very excited about that and had an opportunity to go and look at what they do for some of the game day events and I will tell you that they are preparing a lot of food for a lot of people and they, it's not packaged food. They are very creative offerings and, of course, because we're Las Vegas, we're gonna make it even more creative than LA or Phoenix. Coming up, I hope to know more about specifically what those events look like after we are able to pull the curtain back and take a look at what they're doing in Phoenix. It's very important to us the possibility of opening multiple permits if we have an event like that. That's very important to us. I also want to mention that because this is change and change is always hard, that we are hoping that there'll be some forbearance period on

enforcement while everybody gets trained up. We have a lot of people to educate, and a lot of changes have been made and so we think that's really important. The process of how the new food code will be enforced and how demerits will be calculated. I'm hearing there is going to be a new form. I think it's important for us to understand how that's going to work. And I think it might it would be helpful for you to have input, at least from the clarity and understanding of what the rules are, if you could have industry participation there. And then the last issue I want to mention is something that Miss Evangelista mentioned and that has to do with the certified food managers. We are still experiencing all kinds of labor shortages. It does take a while to get that the classes, the training, the experience, the testing, and we just ask that you give that some consideration. Also, I just want to end with a big thank you for getting us through this process and incorporating a lot of our comments. And, uh, that's it. Thanks.

"Samantha Silcox"

My name is Samantha. S-I-L-C-O-X. I'm with Ibarra's Food Truck Builders. Bear with me. I didn't know we were allowed to talk today, so I'm kind of back and forth. My question, though, is more so in regards to the waiver, and for our vendors to park anywhere for up to 30 minutes, and then need to get a waiver to park for up to 4. I'm asking for consideration to possibly extend that to four just because our mobile vendors, they spend \$150 to up to \$300 for a mobile vendor license. That's not including being stationary for over four hours. I understand the need for, you know, the employees to have restrooms and all that good stuff, but if the permission letter from, you know, the location where their parking allows them access to the restrooms, if they don't have to pay for that location again, because essentially they'll be paying for that mobile license twice when they're already paying it to, you know, the City of Las Vegas, North Las Vegas, Henderson, and unincorporated Clark County. Now, they are again having to pay to be mobile to the health department, which I understand again, you know, the need for the restrooms but as a mobile vendor, you know, they're already paying lots of fees to be able to run their business from place to place so I'm just asking for consideration to possibly extend from the 30 minutes to possibly up to four hours. I agree with the route sheet so that way, you guys can do your rounds and make sure that everything is up to code that they're serving food safely, but to potentially kind of give some leeway on that waiver so that our vendors can successfully run their business without having to be in and out and rushed. And, um.

"Candice Sims"

Yes, thank you for that. I want to address that really quickly. There is something in the regulation. I want to just make sure that, um, I understand where you're coming from. So, a mobile vendor can park for up to one hour under the new proposal if there are no restrooms around. But if there are restrooms around, they can park up to four hours with no waiver.

"Samantha Silcox"

Okay. I think for me, because there was a charge. I believe that at one point, they were being charged \$118 but then it was very confusing to our vendors because they were being told that they had to pay for every location. Then they didn't have to pay so there was a lot of confusion. If they don't have to pay, then that's, you know, that negates me standing up here, but I do

understand that a couple of our vendors were being charged \$118 and then some of them were being charged \$100. It was just kind of all over the place. So, that's where

"Candice Sims"

That was the waiver fee. I'm not sure of all the specifics, but you are correct that we've caught ourselves taking care of that with this rule of if there is a restroom, they can stay longer without having to do that waiver.

"Samantha Silcox"

Okay. So then, just so I can tell our vendors too, so if they provide the permission letter from the business that they can use the restroom, then they don't need to submit the waiver or is it go hand in hand?

"Larry Rogers"

Well, I think the final product is, if they pull up and there's a restaurant. (inaudible) said it's available, they don't have to do anything. We show up in four hours but we're like where are you using the restroom.

"Samantha Silcox"

Okay. So, the permission letter from the location where they're going to be at isn't 100% required, but it would help if you guys come in, won't be required.

"Larry Rogers"

It's required if they're gonna be using a restroom, they could probably get a permission letter and keep it with them, so they won't have that registered with us. Or, I mean, if they're open, one of the businesses is open, and we can just verify.

"Samantha Silcox"

Okay. Perfect. Okay. That's great. I just needed clarification. Thank you.

"Candice Sims"

Have them just take a look at chapter 10. It's not very long so it's worth a read for sure. And, um, and we call ourselves definitely covering that issue. Thank you.

"Cara Evangelista"

Hi. Cara Evangelista. E-V-A-N-G-E-L-I-S-T-A. It was a couple more things that I ran out of time. Um, we did submit our new comments, but I just want to make a comment in chapter 3-404 um, number B1. We couldn't find section 3-602.11 that it was referring back to. Um, we in section 3-502.1. We couldn't, um, we couldn't find what it was referring back to 3-201.1C. Um, so that was just a couple of things we couldn't clarify. Um, also, I wanted to at request. I know I've said this previously. Also, thanks again for working with us. With the par cooking, and I think that vomit plan that's now required, um, we were going to request that there would be templates for that SOP and the log, um, just because everybody's going to require it and it really helps. Like, when you did an employee health policy on the FERL where it's just the health department approves

this. It's on your website, and then people don't have to, like, try to create it and then they create it wrong. Um, we also would like to request that for the, like, the sushi rice, the salsa, the masa, the vegetable kimchi. Thank you again for working with industry. We were requesting that a form, kind of similar to what you did for the dog patio exemption, in the appendix. If you guys could maybe make that, and then it's easy for people to just submit it to their inspector on a health department form and that dog patio waiver with whatever it's called now. That dog patio form is real simplified, so you could just check it. Um, also thanks for that, because we had to submit that like, 50 times. Um and I also just really want to emphasize we're really worried about this CFPM. You know, we don't want people to start out with three merits. I mean, we could be looking at every time, most places the inspector walks in, we're starting out with three demerits. Excuse me. And then what happens is all it takes is two more violations and it's a downgrade. And we also know as, I mean, right now, even the health department, does it. If a place is out of control, which is like, 2% of facilities, you can require a CFPM or more CFPM, so we're open to basically we're requesting that bad operators that don't want to learn, that's who is held responsible, not the 98% of good people. Um, and I think that's it. Thanks again. Yeah.

"Candice Sims"

And we did make the reference updates that Cara mentioned. 3-404 and 3.501.1. Those are done. Do we have any comments virtually, Heather? No.

"Samantha Silcox"

One more topic as well. I'm not sure if you guys might. Sorry. Samantha Silcox. S-I-L-C-O-X. Um, I'm not sure this is a topic you guys might be able to help us with, but we also have our own commissary where the food trucks and trailers park at nighttime, do all their dumping. What we've kind of come across is with the commissary's currently getting full with the parking, that a lot of our vendors are having issues finding where to park, but with our commissary specifically, we offer full service dumping. That means you have the gray water tank, the grease trap all underneath our commissary. What we're running into is that you know people, our vendors, are getting permission to park at one location and then we are giving out commissary letters to provide the dumping. On our parking roster, we are full. That is correct, but we're also giving out dumping specific commissary letters for the vendors to do their dumping. When they go and applied for the city specifically, we've run across where the city will not let them apply for a city business license because they see on our roster that we're full for parking, but we're allowing dumping. And so, they're not allowing vendors to get their business license because on the health permit, it's listing where they're dumping not where they're parking. So, to the city, it looks as if they're parking at home and we're giving out commissary letters left and right when we're full. So, I don't know what the solution would be. As far as just like on the health permit listing where they're parking, and where they're dumping to show the city that they have somewhere that has been approved by the health department to park and then they're dumping with us. Like, for example, we have a vendor who he has permission to plug in at a welding warehouse where that is next to his house and then he was utilizing our commissary for dumping but he's now getting denied his city business license because on the health permit it lists us as his commissary, even though, on our roster, we're full, but he's not parking there and it's specified on his commissary letter that's dumping only. So, I don't know if there would be a solution to possibly showing that

they have somewhere to dump or to park rather on their health permit, and then where they're dumping as well just so that way these vendors can get licensed because now, he has to leave our commissary, which is costing us money so he can go get dumping and parking all on the same health permit but a lot of the commentaries are getting full. So, I don't know

"Karla Shoup"

Is that just happening with the city or is it any of the other jurisdictions?

"Samantha Silcox"

Just the city that I'm aware of because we deal mostly with the city when it comes to helping our vendors get licensed. So, the city is the one that I'm aware of. I do know when I've looked on the, um, there was a commissary that has, out of the 12 pages, 9 of the vendors are closed, demerits, collections, and all that so that commissary is allowing, is getting, you know, vendors allowed to use their commissary, but we are not. But it's a different jurisdiction so, you know, the city really can't say anything.

"Larry Rogers"

So, do you work with Nikki or Jacob?

"Samanta Silcox"

We work with Jacob more than Nikki. Yes.

"Larry Rogers"

I can have him reach out to you, but, um, what you're talking about, we'll have to look into that a little bit more. I'm just gonna warn you that it sounds like what you're talking about is city of Las Vegas and we don't really have a lot of control over them. Maybe we can do something. Um, I'm gonna get Jake on this.

"Samantha Silcox"

Yeah, and that's what I wasn't sure. There's. This is Jonathan Ibarra, by the way.

"Candice Sims"

If you want to step up, because the virtual people won't be able to hear you and then you can just state your name, spell your last name, and make your comment please.

"Jonathan Ibarra"

I'm Jonathan Ibarra. I'm with the Ibarra's Food Truck Builders. I-B-A-R-R-A. So, yeah, so recently we just had a client of ours, she got her, Samantha can probably say it a little clearer. So, she got her health permits approved and everything at her inspection, and then one of the inspectors. Do you remember the inspector? But after everything being submitted and approved, she then I think told him. Sorry. She's the one that handles that.

"Samantha Silcox"

So, we had a. This is different from the vendor I talked about previously. We had a vendor who was approved for her health inspection, had permission to park at one location, utilize our commissary for dumping came in for her health inspection and the inspector had then told her that she needs to find another commissary to do her dumping, which effectively took money out of our business. And now, cause now that vendor is dumping at another commissary, but is still utilizing her parking location so that was another big one, and it was just kind of. The dumping and parking situation is kind of getting a little messy and we want to work with you guys to kind of figure out a solution to where these vendors can park safely because we understand they have propane, and they need to be in a commercial area, but at the same time still utilize commissaries for dumping because it seems city specific that we're kind of getting pinpointed for having multiple commissary letters out but not all of them are for parking. I know there's two other commissaries currently that are doing the same thing, but again are outside of city jurisdiction so, I don't know if they've been talked to yet, but this is what we've been kind of running into.

"Candice Sims"

I understand exactly what you're talking about, because I was intimately involved with that, dealing with the city of Las Vegas as well. We can look at a meeting. This is a longer conversation for sure, but at least we're taking in this information. And, um, the trick is going to be that the business address that the truck is using, because it's the commissary and that's what's on the business license. That's where it gets into a hiccup, so we'll discuss it more.

"Larry Rogers"

(Inaudible) I've got to talk to him and see.

"Samantha Silcox"

Okay. Yeah, that would be great. A meeting if we could just so that way it kind of levels everything out.

"Jonathan Ibarra"

Can we stay after and maybe, so we can talk about a meeting?

"Larry Rogers"

Sure.

"Jonathan Ibarra"

Thank you.

"Samantha Silcox"

Perfect. Thank you guys.

"Larry Rogers"

Yes. I can't schedule. I mean, we've got to talk with Jake. I'll grab you.

"Candice Sims"

I'll take the virtual public comment please.

"Heather Hanoff"

Okay, we had one person submit a question through the chat. Do CFPM certifications need to be registered with SNHD?

"Candice Sims"

SNHD requires the food handler safety training cards so, of course, you can submit your CFPM certificate, and get a manager card but so far that's not a requirement. We would just need to verify the certified proof protection manager. It does not have to come through food handler card training program as far as we're concerned at this time. Yeah, Larry says yes. So, okay, any other questions, comments?

"Heather Hanoff"

I don't see any questions right now. If anybody wants to make comments, please raise your hand.

"Candice Sims"

Do we have any more comments or questions from our audience here? Do you mind coming up? Sorry. And then state your name again, please.

"Samantha Silcox"

Samantha Silcox. S-I-L-C-O-X. When are you guys checking the food handler cards again, cause I know you guys were, it was December that you guys were not going to check, or were going to start checking again because of appointments? Is that still the same or?

"Larry Rogers"

Yeah, that's still the plan, right now. I don't know. We haven't discussed the merits, but we are going to start checking them again. You can renew online temporarily going on and taking the test online and that kind of stuff. It's not, it doesn't have the security features that we tend to like for food card handlers.

"Samantha Silcox"

What about for new vendors?

"Larry Rogers"

New ones will have to come in and do the (inaudible).

"Samantha Silcox"

Okay, so for new vendors so it's tentatively December still. Okay. Perfect. Thank you.

"Candice Sims"

And typically, as long as they can show us that they have an appointment. Say it's 90 days out or something, but at least they can show us they made an appointment. We'll work with them. Any other comments?

"Heather Hanoff"

There's nothing else online.

"Candice Sims"

Okay. And do we have any comments from leadership that need to be said and does anyone want to add anything at this time?

"Larry Rogers"

Thanks for coming in and out we'll talk real quick.

"Karla Shoup"

Yeah, I just want to thank everybody who's participated in this process. Obviously, it makes a better set of regulations for all of us when you guys are involved so we really appreciate you.

"Candice Sims"

And so, our next steps, as you may have seen, posted online is we are presenting the business impact statement to the board of health this Thursday. And, um, and if all goes according to schedule there, we have some tentative dates that we're hoping to reach, which is a November board of health meeting where we will be submitting the regulations for approval and a potentially January board of health meeting where they will approve those minutes and then we're going into March of 2023 to take it to the state because the state only meets every, every so often, every quarter. Okay, so we do not have an implementation date right now, because it's contingent upon those different approvals at the different levels. So that gives you kind of an idea of where we fall for how soon we can get these regulations approved if all goes well. Okay, so thank you for your participation today and your time and since there are no further comments, this public workshop is adjourned at 1:56 p.m.

ATTACHMENT

E

Public Notices

Public Notice

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

Prior to the PUBLIC HEARING, there will be one WORKSHOP for the public to present its views regarding the proposed 2023 Food Regulations on Monday, October 24, 2022, at 1:00 p.m., in-person at the SNHD Public Health Center, 280 South Decatur Boulevard, Las Vegas, in the Red Rock Conference Room and virtually at the same date and time. Virtual attendees need to register prior to the workshop at: <https://snhd.webex.com/snhd/onstage/g.php?MTID=eda9c4d8987c6490cf5c76235aa40d1b0>.

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

- **2023 Food Regulations — Revised After BIS Comments**
- **2023 Food Regulations — Revised Red Line**
- **2023 Food Regulations — Revised Changes by Chapter Document**

- **2023 Food Regulations — Revised Clean Copy**
 - **Workshop Agenda**
 - **Business Impact Statement (BIS)**
 - **BIS Notification**
-

Solid Waste Management Authority Public Notice:

Nevada Revised Statutes (NRS) 241.020 requires that written notice of all hearings of the Southern Nevada Health District Board of Health's Solid Waste Management Authority Hearing Officer be given at least three working days before the hearings. The notice shall include the time, place, location, and agenda of the hearing. Individuals may request notice, but a request for notice lapses six months after it is made. The Southern Nevada District Board of Health informs each requestor of this fact by this notation on the copy of the notice mailed to them.

- Download the **Agenda** for October 13, 2022
-

Request for Proposals (RFP) 23RFP003 Monkeypox Response Efforts

The Southern Nevada Health District's Division of Disease Surveillance and Control requests proposals from community-based organizations to support increased outreach, education, testing, and access to prevention and care for monkeypox in community settings. Deadline to submit questions is 2:00 p.m. on October 17, 2022. Deadline to submit proposals is 2:00 p.m. on November 3, 2022.

- Download the **RFP**
 - Download **Budget Template**
-

Office of Emergency Medical Services & Trauma System Hearing Officer Administrative Hearing:

Nevada Public Notice Website


Government
State
City
County
K-12
Higher Education
Special Districts

Entity
Southern Nevada Water Authority - SNWA
Springs Preserve Board of Trustees
Stagecoach General Improvement District
State Grazing Board District N-3
Sun Valley General Improvement District
Tahoe Douglas Visitors Authority
Tahoe Water Suppliers Association

Public Body
Southern Nevada Health District



Results for Southern Nevada Health District

Results are limited to the last 7 days and for all dates in the future.

Notice	Date Posted	Event Date	Time	Status	Type
 Office of Emergency Medical Services and Trauma System Hearing Officer Administrative Hearing (https://www.southernnevadahealthdistrict.org/news-info/public-notices/)	9/23/2022	9/30/2022	9:00 AM	Scheduled	Hearing

 Public Health Advisory Board (https://www.southernnevadahealthdistrict.org/meetings/october-3-2022-830-a-m/)	9/28/2022	10/3/2022	8:30 AM	Scheduled	Meeting
 SNCHC Nominations Committee (https://www.southernnevadahealthdistrict.org/meetings/october-3-2022-100-p-m/)	9/28/2022	10/3/2022	1:00 PM	Scheduled	Meeting
 Education Committee (https://media.southernnevadahealthdistrict.org/download/meetings/edu/20221005-edu-agenda.pdf)	9/30/2022	10/5/2022	8:00 AM	Scheduled	Meeting
 Drug Device and Protocol Committee (https://media.southernnevadahealthdistrict.org/download/meetings/ddp/2022/20221005-ddp-agenda.pdf)	9/30/2022	10/5/2022	10:00 AM	Scheduled	Meeting
 Medical Advisory Board (https://media.southernnevadahealthdistrict.org/download/meetings/mab/2022/20221005-mab-agenda.pdf)	9/30/2022	10/5/2022	10:00 AM	Scheduled	Meeting
 Solid Waste Management Authority Hearing Officer Administrative Hearing (https://www.southernnevadahealthdistrict.org/news-info/public-notices/)	10/6/2022	10/13/2022	9:00 PM	Scheduled	Hearing
 Proposed 2023 Food Regulation - Workshop (https://www.southernnevadahealthdistrict.org/news-info/public-notices/)	10/7/2022	10/24/2022	1:00 PM	Scheduled	Workshop
 Proposed 2023 Food Regulations - Business Impact Statement (https://www.southernnevadahealthdistrict.org/news-info/public-notices/)	8/19/2022	10/27/2022	9:00 AM	Scheduled	Meeting
 Proposed 2023 Food Regulations (https://www.southernnevadahealthdistrict.org/news-info/public-notices/)	8/19/2022	11/17/2022	11:00 AM	Scheduled	Hearing

Today's Meetings

08:00 AM	 Ely City Council (https://www.cityofelynv.gov/pdf/CityCouncil2022/cc10-7-22/cc10-7-22agenda.pdf)
09:00 AM	 City of Fallon (https://www.fallonnevada.gov/wp-content/uploads/2022/10/10-7-22-agenda-packet.pdf)
09:00 AM	 Churchill County Advisory Board of Social Services (https://civicclerk.blob.core.windows.net/stream/CHURCHILLCONV/1d3f7647-6cf5-41d1-9b62-fa68086de95a.pdf?sv=2015-12-11&sr=b&sig=K%2F2SCIOc3zgP%2FjGOTUJF0jNIH3SsagwPPG3YEyTJLg%3D&st=2022-09-28T20%3A01%3A18Z&se=2023-09-28T20%3A06%3A18Z&sp=r&rsc=no-)

 Email Address, No Website |  Link to Website

Public Notice Access

Public Bodies wishing to post public notices must first register ([/Account/Register](#)) for an account. *It is recommended to use your government issued email address.*

[Register \(/Account/Register\)](#)

Next Steps after you register

Send an email to deptadmin@admin.nv.gov (<mailto:deptadmin@admin.nv.gov>) with the following information:

1. Your name and email address.
2. The type of Government (i.e. State, City, County, K-12, Higher Education, Special Districts).

3. The area or "Entity" your Government type represents. For example, if your Government type is County, tell us which County i.e. Churchill, Clark, Douglas, etc.
 4. The name of the Public Body (aka Committee/Council/Board) you will be posting for? Please list all of the Public Bodies you will be responsible to post notices for.
 5. After you send the email with this information, you will receive an email or phone call back from the Department of Administration's Director's Office to confirm your account has been successfully enrolled. If you have questions, please email deptadmin@admin.nv.gov (<mailto:deptadmin@admin.nv.gov>).
-

CERTIFICATE OF POSTING
OPEN MEETING NOTICE
NRS 241.020(3)(b)

I certify that I posted the public notice for the meeting identified below *more than three working days prior to the meeting* in accordance with NRS 241.020 (3)(b):

SOUTHERN NEVADA HEALTH DISTRICT
PROPOSED 2023 FOOD REGULATIONS
Public Notice

Taking place at:

1. October 24, 2022, Monday, 1:00 p.m., SNHD Public Health Center, 280 South Decatur Boulevard, Las Vegas, virtual and/or in the Red Rock Conference Room.

Name of Location: _____ Southern Nevada Health District _____

Address of Location: _____ 280 South Decatur Boulevard _____

City, State, ZIP: _____ Las Vegas, NV 89107 _____

Date/Time of Posting: 10-5-22 8:00 am _____

Printed Name: Heather Hanoff _____

Signature: H. Hanoff _____

CERTIFICATE OF POSTING
OPEN MEETING NOTICE
NRS 241.020(3)(b)

I certify that I posted the public notice for the meeting identified below *more than three working days prior to the meeting* in accordance with NRS 241.020 (3)(b):

SOUTHERN NEVADA HEALTH DISTRICT
PROPOSED 2023 FOOD REGULATIONS
Public Notice

Taking place at:

1. October 24, 2022, Monday, 1:00 p.m., SNHD Public Health Center, 280 South Decatur Boulevard, Las Vegas, virtual and/or in the Red Rock Conference Room.

Name of Location: Henderson City Hall

Address of Location: 240 Water Street

City, State, ZIP: Henderson, NV 89015-7227

Date/Time of Posting: 2:45 Wednesday, 10-05-2022

Printed Name: Chelsea Palacios

Signature: 

Please return this certificate via FAX OR EMAIL to:
Southern Nevada Health District
(702) 759-1458
hanoff@snhd.org

Thank you.

CERTIFICATE OF POSTING
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Public Notice

Taking place at:

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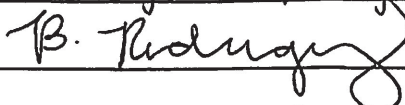
Name of Location: _____ Boulder City, City Hall _____

Address of Location: _____ 401 California Avenue _____

City, State, ZIP: _____ Boulder City, NV 89005 _____

Date/Time of Posting: _____ 10/5/2022 @ 12:45 pm _____

Printed Name: _____ Bridgette Rodriguez _____

Signature: _____  _____

Please return this certificate via FAX OR EMAIL to:
Southern Nevada Health District
(702) 759-1458
hanoff@snhd.org

Thank you.

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PROPOSED 2023 FOOD REGULATIONS
Public Notice

Taking place at:

1. October 24, 2022, Monday, 1:00 p.m., SNHD Public Health Center, 280 South Decatur Boulevard, Las Vegas, virtual and/or in the Red Rock Conference Room.

Name of Location: Mesquite City Hall

Address of Location: 10 East Mesquite Boulevard

City, State, ZIP: Mesquite, NV 89027

Date/Time of Posting: 10-5-22 11:15am.

Printed Name: JULIE GOODSELL

Signature: Julie Goodsell

Please return this certificate via FAX OR EMAIL to:
Southern Nevada Health District
(702) 759-1458
hanoff@snhd.org

Thank you.

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PROPOSED 2023 FOOD REGULATIONS
Public Notice

Taking place at:

1. October 24, 2022, Monday, 1:00 p.m., SNHD Public Health Center, 280 South Decatur Boulevard, Las Vegas, virtual and/or in the Red Rock Conference Room.

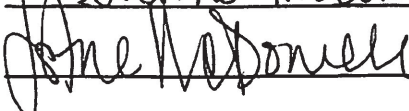
Name of Location: North Las Vegas City Hall

Address of Location: 2250 North Las Vegas Boulevard

City, State, ZIP: North Las Vegas, NV 89030

Date/Time of Posting: 10/10/2022 @ 10:50 AM

Printed Name: Justine McDowell

Signature: 

Please return this certificate via FAX OR EMAIL to:
Southern Nevada Health District
(702) 759-1458
hanoff@snhd.org

Thank you.

10/5/2022 10:15 AM FROM: SoNV Health District TO: +17024553558 P. 3

CERTIFICATE OF POSTING
OPEN MEETING NOTICE
NRS 241.020(3)(b)

I certify that I posted the public notice for the meeting identified below *more than three working days prior to the meeting* in accordance with NRS 241.020 (3)(b):

SOUTHERN NEVADA HEALTH DISTRICT
PROPOSED 2023 FOOD REGULATIONS
Public Notice

Taking place at:

- 1. October 24, 2022, Monday, 1:00 p.m., SNHD Public Health Center, 280 South Decatur Boulevard, Las Vegas, virtual and/or in the Red Rock Conference Room.

Name of Location: Clark County Government Center

Address of Location: 500 South Grand Central Parkway

City, State, ZIP: Las Vegas, NV 89155

Date/Time of Posting: Oct 5, 2022 10:45am

Printed Name: MARCIE WHelan

Signature: 

Please return this certificate via FAX OR EMAIL to:
Southern Nevada Health District
(702) 759-1458
hanoff@snhd.org

Thank you.

CERTIFICATE OF POSTING
OPEN MEETING NOTICE
NRS 241.020(3)(b)


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PROPOSED 2023 FOOD REGULATIONS
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Name of Location: Las Vegas City Hall
Address of Location: 495 South Main Street
City, State, ZIP: Las Vegas, NV 89101

Date/Time of Posting: 10:15am
Printed Name: Sara Maly
Signature: 

Please return this certificate via FAX OR EMAIL to:
Southern Nevada Health District
(702) 759-1458
hanoff@snhd.org

Thank you.

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

SO NEVADA HEALTH DISTRICT
PO BOX 3902
LAS VEGAS NV 89127-3902

Account # 22345
Ad Number 0001209705



PUBLIC NOTICE

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/07/2022 to 10/07/2022, on the following days:

10 / 07 / 22

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

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/s/Chris Saxton, MPH-EH, REHS
Director of Environmental Health
Date October 7, 2022

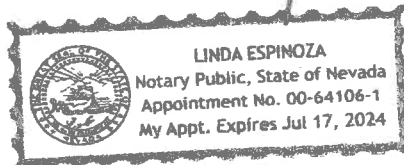
NOTE: If these items are not presented for Public Hearing at the SNHD BOH meetings scheduled for October 27, 2022, and November 17, 2022, they will be presented for Public Hearing at the SNHD BOH meetings scheduled for November 17, 2022, at 11:00 a.m. and January 26, 2023, at 9:00 a.m. at the same location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

PUB: Oct. 7, 2022
LV Review-Journal

/s/
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 7th day of October, 2022

Notary



PROOF OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:



PUBLIC NOTICE

**SO NEVADA HEALTH DISTRICT
PO BOX 3902
LAS VEGAS NV 89127-3902**

**Account # 22345
Ad Number 0001209718**

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

Denzila Watts, being 1st duly sworn, deposes and says: That she is the Legal Clerk for El Tiempo, a weekly newspaper regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said El Tiempo in 1 edition(s) of said newspaper issued from 10/05/2022 to 10/05/2022, on the following days:

10 / 05 / 22

Prior to the PUBLIC HEARING, there will be one WORKSHOP for the public to present its views regarding the proposed 2023 Food Regulations on Monday, October 24, 2022, at 1:00 p.m., in-person at the SNHD Public Health Center, 280 South Decatur Boulevard, Las Vegas, in the Red Rock Conference Room and virtually at the same date and time. Virtual attendees need to register prior to the workshop at: <https://snhd.webex.com/snhd/onstage/g.php?MTID=eda9c4d8987c6490c5c76235aa40d1b0>.

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

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

/s/Chris Saxton, MPH-EH, REHS
Director of Environmental Health
Date October 7, 2022

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

PUB: Oct. 5, 2022
LVRJ en Español

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Dated: October 6, 2022

Isi D. Watta

LEGAL ADVERTISEMENT REPRESENTATIVE

ATTACHMENT

F

From: [Cara Evangelista](#)
To: [Christopher Saxton](#); [Aaron DelCotto](#); [Larry Rogers](#); [Candice Sims](#); [Karla Shoup](#)
Cc: [Brisa Stephani](#)
Subject: Comments on revised draft of 2023 regulations
Date: Monday, October 17, 2022 7:04:34 PM
Attachments: [IMPACT-SNHD-2023-Food-Regulations-Revised-Comments.pdf](#)

Hello,

We have reviewed the new revised draft of the SNHD Food Regulations.

Thank you for taking into consideration all of our comments. We have attached our comments on the revised regulations.

There were some sections that we couldn't find being referenced that we think may be typos and we had a couple questions on some sections for clarity.

The only major issue we can find is the CFPM and PIC. We discussed this issue with our clients and they are extremely concerned due to the cost of obtaining a CFPM (can be very high due to class time, books, instructor, and employee salary), the large amount of turnover of employees, and the fact that many large facilities have full time in house food safety positions that may not count for the requirement of CFPM.

We would request that facilities be allowed to designate the CFPM, which is currently allowed under current regulations and then under them a PIC is not required to have a managerial certificate. However we understand if the PIC of a facility does not understand food safety that a #21 could be written.

Also, we would like to state our previous request that the implementation of regulations be like previous times with the 1 year of training, if possible SNHD provide templates for the new SOP requirements (vomiting SOP, par cooking SOP), and that a simplified version of a form (like what is provided for outdoor dog patio in appendix) be provided for the sushi rice, salsa etc.

Thank you again for your consideration and for working with industry during this process. We can also talk to Candice or anyone for clarification on any of our comments.

Sincerely,

Cara Evangelista REHS
Environmental Health Specialist
702-985-6718
cara@impactinspection.com
Impact Food Safety and Environmental Health Services
www.impactinspection.com

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refuses to take any liability for the damage caused by the content of this email.

Begin forwarded message:

From: brisa@impactinspection.com
Date: October 17, 2022 at 5:38:41 PM PDT
To: cara@impactinspection.com
Subject: Comments on revised draft of 2023 regulations

Thank you,

Brisa Stephani REHS
Environmental Health Specialist
IMPACT Food Safety & Environmental Health Services
702. 994. 4254 | brisa@impactinspection.com | <http://impactinspection.com/>

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Oct 17, 2022 | Comments for Revised Edition of 2023 Proposed SNHD Food Regulations

CHAPTER 1

Core Item, Priority, and Priority Foundation

Why keep the definitions if superscripts were removed?

CHAPTER 2

2-102.2 Certified Food Protection Manager

(A) The PIC must be a certified food protection manager who has shown proficiency of required

information through passing a test that is part of an accredited program.

(B) This section does not apply to low risk, temporary, or other types of food establishments

deemed by the Health Authority to pose minimal risk of causing, or contributing to, foodborne

illness based on the nature of the operation and extent of food preparation.

Requesting clarification.

Can a facility still designate who the PIC is of their choosing? It will be difficult for industry to have SNHD dictate who and how many PIC(s) must be designated per permit or large facility.

CHAPTER 3

3-404 Treating Juice

Juice packaged in a food establishment must be:

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

(B) If not treated to yield a 5-log reduction of the most resistant microorganism of public health

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

(1) As specified under §3-602.11,

There is no 3-602.11 in the rest of the document, is this a type error or what is it referencing?

3-502.1 Waiver Requirement

A food establishment must obtain a waiver from the Health Authority as specified in § 8-103.1 and under § 8-103.2 before:

- (A) Smoking food as a method of food preservation rather than as a method of flavor enhancement,
- (B) Curing food,
- (C) Using food additives or adding components such as vinegar: Pf
 - (1) As a method of food preservation rather than as a method of flavor enhancement,
 - (2) To render a food so that it is not TCS food, or
 - (3) The additive has an upper-limit or maximum-use concentration as specified in 21 CFR Parts 170-186 Food additive and GRAS regulations and are generally recognized as safe when used in accordance with good manufacturing practices.

The Health Authority may approve an exemption to 3-201.1 (C)(1) if, based on annual lab testing for aw, pH, or a challenge study, the food is proven to be non-TCS and is sold only at retail with no distribution to other entities. Examples include but are not limited to salsa, sushi rice, masa dough, hot brine pickling, and vegetable kimchi.

Superscript of Pf still present, request removal.

Requesting consideration for “exemption” on foods that are rendered not TCS only by using traditional cooking methods and process is less than 4 hours like chicharrones.

Regulation referenced does not exist, 3-201.1 (C) is about packaged food being labeled. Request changing reference to 3-502.1 (C)(1).

CHAPTER 6

6-202.5 Outer Openings, Protected

(A) Except as specified in ¶¶ (B), (C), and (E) and under ¶ (D) of this section, outer openings of a food establishment must be protected against the entry of insects and rodents by:

- (1) Filling or closing holes and other gaps along floors, walls, and ceilings,
 - (2) Closed, tight-fitting windows, and
 - (3) Solid, self-closing, tight-fitting doors.
- (B) Paragraph (A) of this section does not apply if a food establishment opens into a larger structure, such as a mall, airport, or office building, or into an attached structure, such as a porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.
- (C) Exterior doors used as exits need not be self-closing if they are:
- (1) Solid and tight-fitting,
 - (2) Designated for use only when an emergency exists by the fire protection authority that has jurisdiction over the food establishment, and
 - (3) Limited use so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.
- (D) Except as specified in ¶¶ (B) and (E) of this section, if the windows or doors of a food establishment, or of a larger structure within which a food establishment is located, are kept open for ventilation or other purposes or a temporary food establishment is not provided with windows and doors as specified under ¶ (A) of this section, the openings must be protected against the entry of insects and rodents by:
- (1) 16 mesh to 1-inch (16 mesh to 25.4 mm) screens,
 - (2) Properly designed and installed air curtains to control flying insects, or
 - (3) Other effective means.
- (E) Paragraph (D) of this section does not apply if flying insects and other pests are absent due to the location of the establishment or other limiting conditions.

Current regulation has verbiage that allows for a Risk Control Plan.

Will open walls/ windows to the outside now need a Waiver vs an Outdoor Risk Control Plan?

CHAPTER 14

14-101 Event Coordinator

14-101.1 Permit Requirements

(A) An event coordinator permit is required for a special event when there are:

- (1) Five or more permitted food vendors, temporary food establishments, or mobile vendors, or
- (2) Two or more tasting booths. A solitary tasting booth will be permitted as a temporary food establishment.

(B) An event coordinator permit is not required if either of the following conditions apply:

- (1) Except as required in 14-101.1(A)(2), temporary food establishments or food vendors are owned and operated by the same person and the event is not a tasting event, or.
- (2) The special event does not meet the definition of a food establishment as described in these regulations.

Will 1 tasting booth owned and operated by the same person require a TFE?



Proposed 2023 Food Regulations

BOARD OF HEALTH PRESENTATION

NOVEMBER 17, 2022

Purpose of the 2023 Food Regulations

- ▶ Provide sanitation guidelines for food establishments
- ▶ Reduce foodborne illness outbreaks
- ▶ Help protect the community and tourists

Regulated Food Establishments:

Establishment Type

- ▶ Restaurants and Snack Bars
- ▶ Food Processing
- ▶ Grocery and Warehouses
- ▶ Open-Air Vendors
- ▶ Mobile Vendors
- ▶ Commissaries
- ▶ Annual Itinerants and Farmer's Markets
- ▶ Special Events
- ▶ School and Childcare Kitchens

Why do the Food Regulations need to be updated?

- ▶ The last update to the regulations was in 2010.
- ▶ To align regulations with the 2017 FDA Model Food Code and incorporate advances in food safety science
- ▶ To address frequently waived regulations and concerns from industry

Summary of Major Changes

Requirement Proposed	Compromise/Concession
Certified Food Protection Manager	Does not include low-risk or temporary food establishments
Food in cold holding must be held at 41 °F	Added allowance to keep food at 45 °F for up to 24 hours
Food Vendors limited to 100 sq ft	Updated to allow up to 200 sq ft Temporary booths 200-400 sq ft
HACCP Plan and waiver required for food with vinegar added to render non-TCS	Updated to allow an exemption for certain items such as salsa, sushi rice, and kimchi
Temperature logs required for food vendors and mobile units	Removed requirement for temperature logs
Priority and Priority Foundation designations added throughout	Removed all Priority and Priority Foundation designations
Procedure required for clean-up of vomiting and diarrhea	SNHD will provide a guidance document
Corrections required to be submitted within 3 days, 10 calendar days, or 90 calendar days based on risk	Violations must be corrected, but do not require submission to SNHD

Changes Cont.



Repeat violations on unannounced inspections will not receive an automatic downgrade if they are priority foundation (currently a major violation)



Annual Itinerant regulations incorporated



All Open-Air vendors may serve low-risk food



Increased number of demerits allowed to pass change of permit holder permitting inspection



Hoods, grease interceptors, sump pumps, lift stations, and number of restrooms will be regulated by the agency of jurisdiction to reduce overlap

Benefits to Industry

- ▶ Consistency
- ▶ Consolidation
- ▶ Reduced need for waivers
- ▶ More opportunities for small businesses
- ▶ Fewer automatic downgrades for repeat violations
- ▶ SNHD has considered all industry feedback which has resulted in additional benefits to industry.

Implementation:

- ▶ SNHD staff and industry training will be scheduled to review the revised regulations.
- ▶ Training materials will be posted on the SNHD website.
- ▶ The proposed 2023 Food Regulations will be effective on May 1, 2023.
- ▶ The first routine inspection after May 1, 2023, will be educational only for all new requirements.

Staff Recommendations for BOH:

- ▶ Approve the proposed 2023 Food Regulations with minor reference corrections and removal of one remaining subscript.



Questions