

**SOUTHERN NEVADA HEALTH DISTRICT  
REGULATIONS GOVERNING THE SANITATION AND SAFETY OF  
ANNUAL ITINERANT FOOD ESTABLISHMENTS**

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 public Health Authority for those entities, and pursuant to Nevada Revised Statutes (NRS) Chapter 439; has jurisdiction over all public health matters in the health district; and

WHEREAS, the Southern Nevada District Board of Health (Board) is the 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 jurisdiction of the health district and is specifically authorized to adopted regulations regarding food establishments as per **NRS 446.940(2)**; and

WHEREAS, unsanitary conditions of food establishments constitute a hazard to public health and welfare, the Board finds that the sanitation and safety of annual itinerant 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 Annual Itinerant Food Establishments to promote and regulate the safe and sanitary handling of food items in a temporary venue as per **NRS 446.865**; and

WHEREAS, the Board believes that the following Regulations are designed 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.

**INTENT AND SCOPE**

- Intent**            The purpose of these Regulations is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented in the specific setting of an annual itinerant food establishment. Annual itinerant food establishments serve food products to the public at Special Events and Farmers' Markets.
- Scope**            These Regulations establish definitions, set standards for: annual Itinerant food establishment permit applications, plan review of the establishment and related activities; qualifications for persons-in-charge and food employees; food transportation, preparation, and storage facilities and food handling operations, equipment and utensils; and provides for permit issuance, inspection, employee restrictions, and permit suspension and/or revocation.

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## SECTION 1 DEFINITIONS

### Summary of acronyms and abbreviations of terms used in these Regulations

<b>Board</b>	<b>Southern Nevada District Board of Health</b>
<b>°F</b>	<b>Degrees Fahrenheit</b>
<b>NAC</b>	<b>Nevada Administrative Code</b>
<b>NRS</b>	<b>Nevada Revised Statutes</b>
<b>NSF</b>	<b>National Sanitation Foundation International</b>
<b>PHF</b>	<b>Potentially Hazardous Food</b>
<b>ppm</b>	<b>parts per million</b>
<b>SNHD</b>	<b>Southern Nevada Health District</b>

The title of these Regulations is “SNHD Regulations Governing the Sanitation and Safety of Annual Itinerant Food Establishments,” hereinafter referred to as “these Regulations.” The following definitions shall apply in the interpretation and application of these Regulations. The term, “Annual Itinerant Food Establishments,” may hereinafter be abbreviated to “Annual Itinerants.” Each of the terms listed shall have the meaning stated below.

- 1.1 “Adulterated” defined.** 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 or
    - (2) Sustained sharp or creasing dents to any areas other than the seams or
    - (3) Shows signs of spoilage, such as 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 otherwise than by slaughter.
  - (F) Its container is composed, in whole or in part, of any poisonous or harmful substance which may render the contents injurious to health.
  - (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 therefore.
- (J) Damage or inferiority has been concealed in any manner.
- (K) Any substance has been added or 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” or “Use by” or “Best if Used by,” or by other phrases clearly indicating that food quality may be reduced after that label date.
- (N) Milk or a product made from it is still available for sale after the printed date required by **NAC 584.2631** shall be deemed adulterated.
- (O) Infant formula is deemed to be adulterated unless it provides certain required nutrients, meets the quality factor requirements established by the Secretary of Health and Human Services (the Secretary) (and, by delegation, FDA), and is manufactured in accordance with Current Good Manufacturing Practices (CGMP) and quality control procedures established by the Secretary (*21 CFR Parts 106 and 107*).
- (P) If it is confectionery and it bears or contains any non-nutritive article or substance except harmless coloring, harmless flavoring, non-nutritive sweeteners approved by the Food and Drug Administration for use in food, harmless resinous glaze not in excess of four-tenths of one percent, harmless natural wax not in excess of four-tenths one percent, or harmless natural gum and pectin, except this section does not apply to;
  - (1) Any confectionery by reason of its containing less than four percent alcohol by weight or,
  - (2) To any chewing gum by reason of its containing harmless non-nutritive chewable substances.

**1.2 “Agency of jurisdiction” defined.** The agency of jurisdiction is the local building department, safety authority, fire marshal, business licensing, state and local health departments, federal regulatory agencies and departments of agriculture, other than the Health Authority having jurisdiction concerning food processing, growing of farm products or the operation of a Farmer’s Market or Special Event.

**1.3 “Annual itinerant food establishment” defined.** An annual itinerant food establishment is a temporary food establishment, operated by the person listed on the permit, providing temporary food service to the final consumer in association with any licensed Special Event or Farmer’s Market, which takes place within the timeframe covered under the permit applied for and issued in accordance with the requirements of **NRS 446.875**.

- 1.4 **“Approved” defined.** Approved means acceptable to the Health Authority based on conformance with appropriate, accepted or recognized industry standards and good public health practice.
- 1.5 **“Approved source” defined.** An approved source is any grower, supplier, manufacturer, processor or other entity who provides food for sale/consumption which is acceptable to the Health Authority based on a determination of conformity with principles, practices and generally recognized standards that protect public health.
- 1.6 **“Beverage” defined.** Beverage means a liquid for drinking, including water.
- 1.7 **“Bottled drinking water” defined.** Bottled drinking water means water that is sealed in bottles, packages or other containers and offered for sale for human consumption, including bottled mineral water.
- 1.8 **“Commissary” defined.** Commissary means a fixed, non-mobile, food establishment for the storage and preparation of food to be sold or served at a portable unit for service of food, catering operation, mobile food vendor, Farmers’ Market, temporary food establishment, and an annual itinerant. A commissary may also serve as a servicing depot for the servicing and cleaning of equipment. A commissary shall be approved by the Health Authority as part of the permit application and inspection process.
- 1.9 **“Condiment” defined.** A condiment is an enhancer, relish or spice to enhance flavor or enjoyment, such as but not limited to mustard, ketchup, pickle relish, peppers, sweeteners, and creamers.
- 1.10 **“Consumer” defined.** A consumer is a person who is a member of the public, takes possession of food, not functioning in the capacity of an operator of a food establishment or food processing establishment, and does not offer the food for resale.
- 1.11 **“Corrosion-resistant material” defined.** Corrosion-resistant material is a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.
- 1.12 **“Critical violations” defined.** Critical violations are violations directly related to the protection of the public from foodborne illness or injury; such as food from unsafe sources, inadequate cooking, improper holding temperatures, contaminated equipment, and poor personal hygiene.

- 1.13 “Demerit” defined.** Demerit means the numerical value given to an individual violation of these Regulations.
- 1.14 “Disclosure” defined.** Disclosure means a written statement that clearly identifies the animal-derived foods which are, or can be ordered, raw, undercooked or without otherwise being processed to eliminate pathogens.
- 1.15 “District Board of Health” defined.** The District Board of Health consists of two representatives of the Board of County Commissioners, two representatives of the governing body of the largest incorporated city in the county, one representative of the governing body of each 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.
- 1.16 “Drinking water” defined.** Drinking water is water that meets criteria as specified in *40 CFR 141, National Primary Drinking Water Regulations*. Drinking water 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 non-drinking water.
- 1.17 “Easily cleanable” defined.**
- (A) Easily cleanable means a characteristic of a surface that:
    - (1) Allows effective removal of soil by normal cleaning methods.
    - (2) Is dependent on the material, design, construction, 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 for 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.
- 1.18 “Egg” defined.** An egg is the shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites or turkey. Egg does not include: a balut, the egg of reptile species such as alligator, or an egg product.

- 1.19 “Egg product” defined.** Egg product means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing establishment, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. Egg product does not include food which contains eggs only in a relatively small proportion such as cake mixes.
- 1.20 “Employee” defined.** An employee is the permit holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food establishment.
- 1.21 “Equipment” defined.** Equipment is 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 case or over wrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.
- 1.22 “Event coordinator” defined.** An event coordinator is a designated person, or person assigned by the Special Event sponsor responsible for the coordination of temporary food establishments, annual itinerants, food booths, and health-related services at a Special Event. For the purposes of these Regulations, the Farmer’s Market manager at a Farmer’s Market is considered the event coordinator.
- 1.23 “Farmer’s Market” defined.** A Farmer’s Market is a place of business where the actual producer of farm products can bring the products for direct sale to consumers. The term includes a place of business where a person rents space to producers for the sale of farm products.
- 1.24 “Fish” defined.** Fish is 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.
- 1.25 “Food” defined.** Food is a raw, cooked or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

- 1.26 “Food booth” defined.** A food booth is any place, structure or premise associated with a Special Event or Farmer’s Market 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.
- 1.27 “Food contact surface” defined.** Food contact surfaces are 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.
- 1.28 “Food employee” defined.** A food employee is any person employed in or operating a food establishment, whether that person is an employer, employee or other natural person who handles, stores, transports, prepares, manufactures, serves, or sells food, or who comes in contact with eating or cooking utensils or other equipment used in the handling, preparation, manufacture, service or sale of food. 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.
- 1.29 “Food establishment” defined.**
- (A) A food establishment is an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:
    - (1) Such as a restaurant, satellite or catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people, market, vending location, institution, or food bank.
    - (2) That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.
  - (B) Food establishment includes:
    - (1) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the Health Authority.
    - (2) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location where consumption is on or off the premises, and regardless of whether there is a charge for the food.
  - (C) Food establishment does not include:
    - (1) An establishment that offers only pre-packaged foods that are not potentially hazardous foods (PHF).

- (2) A produce stand that only offers whole, uncut fresh fruits and vegetables.
- (3) A food processing establishment.
- (4) A kitchen in a private home if only food that is not PHF is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by law and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the Health Authority.
- (5) An area where food that is prepared as specified in **Subparagraph (C)(4)** of this definition is sold or offered for human consumption.
- (6) A kitchen in a private home, such as a small family day-care provider or a bed-and breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed six, breakfast is the only meal offered, the number 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.
- (7) A private home that receives catered or home-delivered food.

- 1.30 “Food grade” defined.** Food grade means products that 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 (especially Parts 170-189 additives, and Parts 70-82 color additives)*.
- 1.31 “Food Handler Health Card” defined.** means a document issued by the Health Authority after obtaining a Hepatitis A immunization and attending a basic food safety session introduction and testing.
- 1.32 “Food processing establishment” defined.** A food processing establishment is a commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer and includes 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.
- 1.33 “Food zone” defined.** The 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.
- 1.34 “Frozen food” defined.** Frozen food is a food maintained at a temperature at which all moisture therein is in a solid state.

- 1.35 “Handwashing sink” defined.** A handwashing sink is 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. Handwashing sink includes an automatic hand washing facility.
- 1.36 “Hazard” defined.** A hazard is a biological, chemical or physical property that may cause an unacceptable consumer health risk.
- 1.37 “Health Authority” defined.** The Health Authority means the officers and agents of the Board and the SNHD.
- 1.38 “Hermetically sealed container” defined.** A hermetically sealed container is 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.
- 1.39 “High risk food” defined.** High risk food is a potentially hazardous food; including, but not limited to hamburgers, hot dogs, stews, soups, chili, refried beans, meat, poultry, eggs, pork, fish, dairy products, and sliced melons.
- 1.40 “High risk annual itinerant food establishment” defined.** A high risk annual itinerant is a temporary food establishment, which is subcategorized as serving potentially hazardous food and conducting PHF food handling.
- 1.41 “Imminent health hazard” defined.** An imminent health hazard is 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 risk of potential injuries.
  - (B) The nature, severity and duration of the anticipated injury.
  - (C) Examples may include, but are not limited to, an emergency such as fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstance that may endanger public health.
- 1.42 “Kitchenware” defined.** Kitchenware means food preparation and storage utensils.
- 1.43 “Law” defined.** Law means applicable local, state, and federal statutes, regulations, codes, and ordinances.

- 1.44 “Licensed” defined.** Licensed means having formal permission or a permit from the appropriate federal, state, or local agency of jurisdiction to carry out a function or event, at a specified location.
- 1.45 “Linen” defined.** Linen means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.
- 1.46 “Low risk annual itinerant food establishment” defined.** A low risk annual itinerant is a temporary food establishment, which is subcategorized as a food establishment which serves packaged non-potentially hazardous food (non-PHF) or conducts open food handling or sampling of non-PHFs. Sampling is not allowed when food is pre-packaged only.
- 1.47 “Low risk food” defined.** Low risk food is food that presents very low risk of causing foodborne illness when handled in specific ways as designated by the Health Authority. Examples include, but are not limited to:
- (A) Open containers of pasteurized or ultra-pasteurized milk or similar liquid dairy products that are maintained at  $40^{\circ}\text{F}\pm 2^{\circ}$  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 that are served without the need for a dipper well; and
  - (D) Nuts, popcorn, snow cones, French fries, high-sugar candy, honey, cookies, bread, beef jerky, un-sliced melons and intact raw fruit.
- 1.48 “Meat” defined.** Meat is 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.
- 1.49 “Misbranded” defined.** Misbranded means the presence of any written, printed or graphic matter upon or accompanying food or containers of food which is false or misleading.
- 1.50 “National Sanitation Foundation International (NSF)” defined.** The National Sanitation Foundation International is 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 to those standards, and education and training in all areas of environmental health, including air, water and food safety.
- 1.51 Nevada Administrative Code (NAC)**
- 1.52 Nevada Revised Statutes (NRS)**

- 1.53 “Non-food contact surface” defined.** Non-food contact surface means all exposed surfaces other than food and splash zones.
- 1.54 “Nuisance” defined.** A nuisance is anything which is injurious to health, offensive to the senses, or an obstruction to the free use of property, and thus interferes with the comfortable enjoyment of life or property.
- 1.55 “Packaged” defined.** Packaged means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or a food processing establishment. Packaged does not include a wrapper, carry-out box, or other non-durable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.
- 1.56 “Pasteurized” defined.** Pasteurized means heat treated to kill all vegetative (non-spore) cells of pathogens in milk and other dairy products. Pasteurized products require refrigerated storage.
- 1.57 “Permit” defined.** A permit is the document issued by the Health Authority that authorizes a person to operate a food establishment.
- 1.58 “Permit holder” defined.** The permit holder is the entity that is legally responsible for the operation of the food establishment such as the owner, the owner’s agent, or other person and who possesses a valid permit to operate a food establishment.
- 1.59 “Person” defined.** Person means an association, a corporation, individual, partnership, Limited Liability Company, or other legal entity, government, governmental subdivision, or agency.
- 1.60 “Person in charge” defined.** The person in charge is the individual present at a food establishment who is responsible for the operation at the time of inspection.
- 1.61 “pH” defined.** The symbol, pH, represents the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between 0 and 7 indicate acidity and values between 7 and 14 indicate alkalinity. The value of pure distilled water is 7, which is considered neutral.
- 1.62 “Physical facilities” defined.** Physical facilities are the structure and interior surfaces of a food establishment. This includes accessories, such as soap and towel dispensers, and attachments, such as light fixtures, and heating or air conditioning system vents.

**1.63 “Plumbing fixture” defined.** A plumbing fixture is a receptacle or device that is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system or discharges used water, waste materials or sewage directly or indirectly to the drainage system of the premises.

**1.64 “Potentially hazardous food (PHF) defined.**

(A) Potentially hazardous food (Time/Temperature Control for food Safety) means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(B) Potentially hazardous 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 or garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support pathogenic microorganism growth or toxin formation and,

(2) Except as specified in 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 Values		
	4.6 or less	>4.6-5.6	>5.6
$\leq 0.92$	Non-PHF*/Non TCS food**	Non-PHF/Non TCS food	Non-PHF/Non TCS food
>0.92-.95	Non-PHF/Non TCS food	Non-PHF/Non TCS food	PA***
>0.95	Non-PHF/Non TCS food	PA	PA

\* PHF means potentially hazardous food  
 \*\* TCS food means time/temperature control for food safety  
 \*\*\* PA means product assessment required

Table B. Interaction of pH and $A_w$ for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged.				
$a_w$ Values	pH Values			
	<4.2	4.2 – 4.6	<4.6 – 5.0	<5.0
<0.88	Non-PHF*/Non TCS food**	Non-PHF/Non TCS food	Non-PHF/Non TCS food	Non-PHF/Non TCS food
0.88 – 0.90	Non-PHF/Non TCS food	Non-PHF/Non TCS food	Non-PHF/Non TCS food	PA***
>0.90 – 0.92	Non-PHF/Non TCS food	Non-PHF/Non TCS food	PA	PA
>0.92	Non-PHF/Non TCS Food	PA	PA	PA

\* PHF means potentially hazardous food  
\*\* TCS food means time/temperature control for food safety  
\*\*\* PA means product assessment required

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

- 1.65 “Poultry” defined.** Poultry is any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), whether live or dead, as defined in *9 CFR 381.1 Poultry Inspection Regulations, Definitions*; or any 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*.
- 1.66 “Premises” defined.** Premises means:
- (A) The physical facility, the contents and the contiguous land or property under the control of the of the permit holder or,
  - (B) The physical facility, its 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 operation, and a food establishment is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.
- 1.67 “Pre-packaged” defined.** Pre-packaged means packaged by one food establishment for delivery and sale by another food establishment.
- 1.68 “Public water system” defined.** Public water system has the meaning stated in *40 CFR 141 National Primary Drinking Water Regulations*.
- 1.69 “Ratite” defined.** A ratite is a flightless bird such as an emu, ostrich or rhea.
- 1.70 “Ready-to-eat food” defined.**
- (A) Ready-to-eat food means food that is in a form that is edible without additional preparation to achieve food safety, as specified under one of the following:
    - (1) Unless requested by a customer and a consumer advisory is properly posted, raw animal foods such as eggs, fish, meat, poultry, and foods containing these raw animal foods, shall be cooked to heat all parts of the food to a temperature and for a time as listed below. Raw animal foods shall be cooked to at least 165°F for at least 15 seconds except:
      - (a) Comminuted and ground meats such as hamburger shall be cooked to at least 155°F for at least 15 seconds;
      - (b) Comminuted fish products shall be cooked to at least 155°F for at least 15 seconds;
      - (c) Commercially raised game animals shall be cooked to at least 155°F for at least 15 seconds;
      - (d) Injected meats shall be cooked to at least 155°F for at least 15 seconds;
      - (e) Raw eggs not cooked for immediate use shall be cooked to at least 155°F for at least 15 seconds;

- (f) Raw eggs cooked for immediate service shall be cooked to at least 145°F for at least 15 seconds; and
- (g) fish shall be cooked to at least 145°F for at least 15 seconds.
- (2) Stuffed foods shall be cooked to 165°F for at least 15 seconds.
- (3) Whole beef roasts, corned beef roasts, pork roasts, and cured pork roasts such as ham, shall be cooked in a preheated oven and to an internal temperature of 145°F, or held at 130°F for at least 121 minutes.
- (4) 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 must 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 certain especially vulnerable consumers eating such foods in a raw or undercooked form. Such foods must be asterisked or accurately described on the menu. This section does not apply to approved smoked or cured animal food. The following language will satisfy the consumer advisory requirements:

“Thoroughly cooking foods of animal origin such as beef, eggs, fish, lamb, milk, poultry, or shellfish reduces the risk of foodborne 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.”

- (5) Raw animal foods cooked in a microwave oven shall 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 in all parts of the food; and
  - (d) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.
- (6) For parasite destruction, except as specified in (7) of this section, before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish shall be:
  - (a) Frozen and stored at a temperature of minus 4°F or below for a minimum of 168 hours (7 days) in a freezer;
  - (b) Frozen at minus 31°F or below until solid and stored at minus 31°F or below for a minimum of 15 hours; or
  - (c) Frozen at minus 31°F or below until solid and stored at minus 4°F or below for a minimum of 24 hours.
- (7) Paragraph (6) of this section does not apply to:
  - (a) molluscan shellfish;
  - (b) 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
- (c) Aquacultured fish, such as salmon, that, if raised in open water, are raised in net-pens or are raised in land-based operations such as ponds or tanks, where they are fed formulated feed, such as pellets, that contains no live parasites infective to the aquacultured fish, and/or
  - (8) May receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.
- (B) ready-to-eat food includes:
- (1) Raw animal food that is cooked as specified under **Sections (A)(1-3) or (A)(5)** above, or frozen as specified under **Section (A)(6)** above.
  - (2) Raw fruits and vegetables that are thoroughly washed in water to remove soil and other visible contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form. Whole, raw fruits and vegetables that are intended for washing by the consumer before consumption need not be washed before they are sold.
  - (3) Fruits and vegetables that are cooked for hot holding to a temperature of 135°F.
  - (4) All potentially hazardous food that is cooked to the temperature and time required for the specific food as specified under **Sections (A)(1-3) or (A)(5)** above and cooled at ambient air temperature until it reaches 140°F. Cooked potentially hazardous food shall be cooled:
    - (a) Within 2 hours from 140°F to 70°F; and
    - (b) Within 4 hours from 70°F to 40°F or less.
    - (c) Potentially hazardous food shall be cooled within 4 hours to 40°F or less if prepared from ingredients at ambient temperature. ready-to-eat potentially hazardous food must be prepared from chilled ingredients.
  - (5) Plant food for which further washing, cooking or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present are removed.
  - (6) Substances derived from plants such as spices, seasonings and sugar.
  - (7) A bakery item such as bread, cake, pie, filling, or icing for which further cooking is not required for food safety.
  - (8) The following products that are produced in accordance with USDA guidelines and 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, and dried meat and poultry products, such as jerky or beef sticks.
  - (9) Foods manufactured as specified in *21 CFR Part 113, Thermally Processed Low-Acid foods* packaged in hermetically sealed containers.

**1.71 “Refuse” defined.** Refuse is solid waste not carried by water through the sewage system.

- 1.72 “Risk” defined.** Risk means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.
- 1.73 “Sanitization” defined.** Sanitation means the application of cumulative heat or chemicals on cleaned food contact surfaces that, when evaluated for efficacy, is sufficient to yield a 5-log reduction, which is equal to 99.999 percent reduction, of representative disease microorganisms of public health importance.
- 1.74 “Sealed” defined.** Sealed means free of cracks or other openings that allow the entry or passage of moisture.
- 1.75 “Service animal” defined.** A service animal is an animal such as a guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability.
- 1.76 “Sewage” defined.** Sewage means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution. Black water is sewage that is liquid and solid human body waste and the carriage water generated through toilet use. Grey water is the wastewater, not including black water from residential, commercial and industrial use, such as sink drainage or washing machine discharges.
- 1.77 “Single-service articles” defined.** Single-service articles means tableware, carry-out utensils and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed to be used once and discarded. 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 large cans which do not meet the materials, durability, strength, and cleanability as specified under these Regulations for multiuse utensils.
- 1.78 “Smooth” defined.** Smooth means:
- (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 or equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale.
  - (C) A floor, wall or ceiling having an even or level surface with no roughness or projections which render it difficult to clean.
- 1.79 “Splash zone” defined.** The splash zone means any surfaces, other than food zone, subject to routine splash, spillage or other food soiling during normal use.

- 1.80 “Special Event” defined.** A Special Event is any licensed transitory public gathering that takes place at a given location for a specific purpose that is self limited in connection 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 fourteen consecutive calendar days. This includes tasting events. This does not include any private/“by invitation only” gathering or nonprofit/church gatherings held on nonprofit/church property.
- 1.81 “Solid waste” defined.** Solid waste is all putrescible and nonputrescible refuse in solid, semisolid, or liquid form, including, but not limited to, garbage; rubbish; junk vehicles; ashes or incinerator residue; street refuse; dead animals; demolition waste; construction waste; and solid, semisolid, or liquid commercial and industrial waste.
- 1.82 “Special Event sponsor” defined.** The Special Event sponsor is the person, group, association, organization, corporation, or governmental agency sponsoring or promoting a Special Event.
- 1.83 “Tableware” defined.** Tableware means eating, drinking and serving utensils for table use such as flatware, including forks, knives and spoons; hollowware including bowls, cups, serving dishes, tumblers, and plates.
- 1.84 “Tasting event” defined.** Tasting events are Special Events, such as a wine tastings and chili cook-offs, where an entrance fee entitles the consumer to food service in conjunction with the Special Event and where there are no points of sale directly at the tasting booths.
- 1.85 “Temperature measuring device” defined.** A temperature measuring device is a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air or water.
- 1.86 “Temporary food establishment” defined.** A temporary food establishment is a food establishment that operates for a period of no more than fourteen consecutive days in conjunction with a Special Event.
- 1.87 U.S. Food and Drug Administration (FDA)**
- 1.88 U.S. Department of Agriculture (USDA)**

- 1.89 “Utensil” defined.** A utensil is a food contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multi-use, a single-service article or single-use article such as gloves used in contact with food, the temperature sensing probes of food temperature measuring devices, and probe-type price or identification tags used in contact with food.
- 1.90 “Warewashing” defined.** Warewashing means the cleaning and sanitizing of utensils and food contact surfaces of equipment.
- 1.91 “Wastewater” defined.** Wastewater is water that has been used, as for washing, flushing, or in a manufacturing process, and so contains waste products; sewage.
- 1.92 “Water activity ( $a_w$ )” defined.** Water activity means 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 by symbol  $a_w$ .

## **SECTION 2 PLAN REVIEW AND PERMIT REQUIREMENTS**

### **2.1 Application for permit to operate an annual itinerant**

- 2.1.1** A person desiring to operate any annual itinerant shall make written application for a permit in accordance with **NRS 446.875** and these Regulations.
- 2.1.2** Properly prepared plans and specifications for review and approval, as required by **NRS 446.930**, must be submitted to the Health Authority before:
  - 2.1.2.1** Participating in and serving food or beverages at any licensed and permitted Special Event or Farmer's Market within the jurisdiction of the Health Authority.
  - 2.1.2.2** Completing the construction of any structure or placing into use any equipment to be used in the annual itinerant, or
  - 2.1.2.3** Beginning the conversion of an existing structure or equipment for use as or use in an annual itinerant.
- 2.1.3** The permit applicant shall submit for review plans and specifications from the remodeling of a commissary or food establishment that services an annual itinerant if the Health Authority determines that it is necessary to ensure compliance with these Regulations.
- 2.1.4** The application shall be made on forms provided by the Health Authority. The application shall be submitted to the Health Authority at least fourteen calendar days prior to the start date of the first Special Event or Farmer's Market the applicant wishes to attend. The applicant shall provide the Health Authority specifications as outlined in **Section 2.3**.
- 2.1.5** The application shall be accompanied by payment of a fee established by the Board. A late fee will be assessed if the application and fee are not received in accordance with the Health Authority's designated fee schedule.

- 2.2 Application review.** The annual itinerant permit application, including all information required by the provisions of this Section, shall be reviewed by the Health Authority. 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.

**2.2.1** If necessary to protect against public health hazards, the Health Authority may impose specific requirements in addition to the requirements contained in these Regulations as authorized by **NRS 439.410** and **NRS 446.865**.

**2.2.2** The Health Authority shall document the conditions that necessitate the imposition of additional requirements and the underlying public health reasons.

**2.3 Contents of the plans and specifications.** The plans and specifications for an annual itinerant required by the Health Authority shall be based on the operation's subcategory. The following information shall be used to determine the operational subcategory and shall be required to demonstrate conformance with these Regulations:

**2.3.1** Location: Indoor or Outdoor.

**2.3.2** Food type:

**2.3.2.1** Packaged, non-potentially hazardous foods (low risk) (Open food sampling prohibited);

**2.3.2.2** Open, non-potentially hazardous foods, including sampling;

**2.3.2.3** Packaged, potentially hazardous foods (Open food sampling prohibited); and

**2.3.2.4** Open, potentially hazardous foods (high risk), including sampling.

**2.3.3** Level and methods of on-site of food preparation, handling, and service for each type of food prepared.

**2.3.4** A schedule (hours and days of planned operation) of *known* Special Events and/or Farmers' Markets at which the person plans to operate the annual itinerant during the Health Authority's one year billing cycle.

**2.3.5** A listing of the food to be handled, processed, or packaged, or a sample menu.

**2.3.6** The source of the food (provide written documentation such as contracts, invoices, or receipts):

**2.3.6.1** Commissary,

**2.3.6.2** Permitted food establishment under direct control of the applicant;

**2.3.6.3** Permitted food establishment providing food the applicant, such as a grocery or warehouse store, or food processing establishment;

**2.3.6.4** Other vendor, who provides food through interstate commerce.

- 2.3.7** An estimate of the volume of food to be prepared, served, or sold so that a determination can be made whether or not the capacity of the cold, hot, and dry storage equipment presented during plan review is adequate to accommodate the safe storage and holding of the anticipated volume of food to be handled and stored on site.
- 2.3.8** Location where the food, equipment, supplies, and utensils will be stored between events and during the event. For example, during a multi-day event, low risk or non-perishable food may be stored in a transport vehicle under the control of the applicant;
- 2.3.9** A drawing of the proposed layout of equipment and construction of the food booth used for the annual itinerant;
- 2.3.10** Proposed construction materials for the food booth. Include items such as wood, tarps, flooring, and overhead coverage;
- 2.3.11** Proposed equipment and utensil types, finishes, locations, and dimensions. (See **Section 2.8** for detailed requirements)
- 2.3.12** Single-service and single-use articles, including those for food employee hygiene and for consumer use.
- 2.3.13** Other information may be required by the Health Authority for the proper review of the proposed construction, conversion or modification, and procedures for operating an annual itinerant. Such information will be requested, as needed.

## **2.4 Annual itinerant site requirements**

- 2.4.1** Annual itinerants shall be constructed and located to minimize the risk of food contamination from external sources such as sewage, flooding, dust, insects, and vermin.
- 2.4.2** 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 annual itinerant.
- 2.4.3** Floors in constructed temporary structures serving as annual itinerants shall be of durable material. For on-site food booth set-ups, dirt or gravel subflooring can be used when graded to drain, or similar suitable material such as a sufficient cover of grass or turf to control dust. Platforms, duckboards, plastic film, wood chips, wood shavings are acceptable, when

they provide an additional layer of contamination reduction and do not cause a safety hazard.

- 2.4.4 Where a temporary structure is provided it shall be constructed in a manner to prevent contamination of food, and food contact surfaces.
  - 2.4.5 Heating equipment, and cooking and storage equipment, shall be located in an area inaccessible to the public.
  - 2.4.6 Outdoor open food operations shall have overhead protection when food is prepared or portioned on premises unless otherwise specified by the local fire authority.
  - 2.4.7 Annual itinerants may not be closer than 50 feet from any non-sewered toilets and/or animal pens. The 50 feet setback requirement may be waived by the Health Authority if public health concerns are not compromised by such waiver.
- 2.5 **Water supply.** An adequate supply of potable water shall be available to an annual itinerant for cooking purposes, hand washing, and cleaning and sanitization of equipment, utensils, and food contact surfaces, commensurate with the type of low risk or high risk foods served. A public water supply shall be protected with the appropriate backflow prevention device. Non-food grade or garden hoses shall not be used for delivery of water for human consumption or food preparation.
- 2.6 **Wastewater.** There must be an approved operational wastewater disposal system available for the annual itinerant to safely and properly dispose of all wash water, rinse water, or other wastewater generated during its operation.
- 2.7 **Solid waste.** Frequent disposal of solid waste is required to prevent excessive accumulation and to eliminate the potential for a public health nuisance.
- 2.7.1 All solid waste containers used for food waste shall be constructed of durable metal or other approved types of materials that do not leak and do not absorb liquids and shall be provided with plastic solid waste liners.
  - 2.7.2 All solid waste containers shall be properly protected to ensure that debris remains in containers during inclement weather or to avoid spillage.
  - 2.7.3 There shall be at least two solid waste containers at each annual itinerant: one container at or near the handwashing station to hold paper towels from handwashing and one to hold all other solid waste.

**2.7.4** All solid waste shall be stored in a manner approved by the Health Authority.

**2.8 Equipment and utensils.** Equipment, utensils, kitchenware, and tableware shall meet the following minimum requirements. Some examples of equipment and utensils include: mechanical refrigerators (NSF or equivalent); Cambro or Igloo type ice chests and cold transport equipment; Cambro type portable hot transport equipment; cooking, hot holding, and service equipment (NSF or equivalent); food preparation and service tables and surfaces; food preparation and service utensils; and cleaning and sanitizing set-ups.

**2.8.1 General equipment requirements.** All food preparation, cooking, holding, transport, and service equipment and utensils shall be constructed of non-toxic materials, including but not limited to specifications in **Section 2.8.2** and installed in such a manner that the equipment and utensils can be maintained clean, in good repair, and in such condition as not to present a risk to public health.

**2.8.2** Materials that are used in the construction of utensils and food contact surfaces or equipment may not allow the migration of harmful substances or impart odors, or tastes to and under normal use conditions shall be:

**2.8.2.1** Safe, durable, corrosion-resistant, and nonabsorbent;

**2.8.2.2** Sufficient in weight and thickness to withstand repeated warewashing such as scrubbing, scouring, and the corrosive action of cleaning and sanitizing agents and food with which they come into contact;

**2.8.2.3** If cutting blocks and boards and bakers' tables, made of hard maple or equivalent material that is non-toxic, smooth, and free of cracks, crevices, and open seams. Cutting boards shall be easily removable;

**2.8.2.4** Finished to have a smooth, easily cleanable surface; and

**2.8.2.5** Resistant to denting, buckling, pitting, chipping, crazing, scratching, scoring, distortion, decomposition, and excessive wear. Use of metal cans or other such food containers for the purpose of cooking, preparing, or storing food is prohibited.

**2.8.3** Barbecue grills shall be constructed of non-toxic materials originally designed for the cooking of food. Barbecues constructed from 55-gallon drums are prohibited.

**2.8.4 Cold holding equipment**

**2.8.4.1** Cold holding equipment shall be provided to maintain cold food at a temperature of  $40^{\circ}\text{F}\pm 2^{\circ}$  or below during storage, display, transport, and service. Approved equipment includes, but is not limited to, mechanical refrigeration units and ice chests with a drain and receptacle for ice melt water. Mechanically refrigerated equipment, that maintains food at  $40^{\circ}\text{F}\pm 2^{\circ}$ , if cold or frozen solid shall be provided

to ensure that all are held within a safe temperature range. Such equipment must meet NSF standards or equivalent for equipment.

**2.8.4.2** All shelves located in refrigerators and freezers shall be made of metal, plastic, or plastic coated surfaces that can be easily cleaned, and shall be removable.

**2.8.4.3** A temperature measuring device readout, accurate to  $\pm 2^{\circ}\text{F}$ , shall be either present on the exterior or interior of each unit with an internal element to measure the temperature of the refrigeration unit. Each temperature measuring device shall be graduated in  $2^{\circ}\text{F}$  increments or less. The temperature scale range shall be appropriate for the intended use of the equipment. All temperature measuring devices must be easy to read, securely mounted, and readily visible. The thermostat adjustment for each refrigeration unit shall be readable and the thermostat sensing element shall be located in the warmest part of the unit.

## **2.8.5 Cooking and hot holding equipment**

**2.8.5.1** Cooking equipment shall be provided to cook food to required temperatures within designated timeframes as indicated in **Section 3.6**.

**2.8.5.2** Equipment that reliably maintains hot food at a temperature of  $140^{\circ}\text{F}\pm 2^{\circ}$  or above shall be provided to ensure that all PHFs are held at a safe temperature during storage, transport, display and service. Such equipment must meet NSF standards or equivalent for equipment. Approved equipment includes, but is not limited to steam tables, hot boxes, grills and chafing dishes.

**2.8.5.3** Hot holding cabinet temperature measuring devices shall be easily readable, securely mounted, and readily visible. The thermostat adjustment shall be readable and the thermostat sensing element shall be located in the coolest part of the cabinet.

**2.8.6 Temperature measuring devices.** Calibrated temperature measuring devices which are numerically scaled with a range of  $0\text{-}220^{\circ}\text{F}\pm 2^{\circ}$ , shall be available and used to verify the attainment and monitor the maintenance of proper internal temperatures for cooking, holding, or refrigerating all PHF. At least one such temperature measuring device shall be available at each work area for use by employees at all times.

**2.8.7 Dry storage.** Shelves that are located in an area where food is prepared or stored shall be made of durable materials and be corrosion resistant.

## **2.8.8 Warewashing facilities**

Whether available on-site or at an approved commissary or food establishment, 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.

**2.8.8.1** As a minimum, a warewashing facility shall have:

**2.8.8.1.1** Three basins large enough for immersion of utensils and equipment.

**2.8.8.1.2** An adequate supply of potable water.

**2.8.8.1.3** An approved disposal system for wastewater.

**2.8.8.2** Shelves that are located in an area where utensils are washed shall be made of metal, plastic, or plastic coated surfaces that can be easily cleaned, and are corrosion resistant.

## **2.8.9 Handwashing sinks and set-ups, and associated supplies**

Each annual itinerant that handles open food shall have an operable handwashing sink at its place of business, properly equipped, and ready for use prior to any open food handling. A handwashing 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 handwashing sink shall have, at a minimum:

**2.8.9.1** A portable handwashing sink provided with tempered (90-110°F) running water which drains to an enclosed integral wastewater tank,  
**OR**

**2.8.9.2** When a portable or plumbed handwashing sink is not available, a container with a hands-free pressurized flow of tempered water, into a wash basin. Such handwashing set ups must have a sufficient amount of hot water generating or holding capacity of no less than five gallons of potable water.

### **AND**

**2.8.9.3** An enclosed wastewater collection container, which receives the wastewater from the hand washing process, large enough to prevent splash or overflow, but no less than five gallon capacity.

**2.8.9.4** Liquid hand soap in a pump dispenser, as well as single-use paper towels dispensed in a sanitary manner.

**2.8.9.5** A waste receptacle located near the handwashing sink for the disposal of paper towels.

**2.8.9.6** The fixture must allow the flow of water without the food employees having to be in contact with the spigot while washing their hands.

## 2.9 Commissary or food establishment

- 2.9.1** The applicant or permit holder wishing to operate an annual itinerant shall obtain food and/or operate from an approved, licensed commissary or food establishment which meets the equipment and structural requirements for a food establishment as provided for in Food Service Establishment Plan Review Requirements for Equipment and Facilities and as specified in the food regulations currently in force at the time of the operation.
- 2.9.2** The applicant must provide a letter from their permitted commissary or food establishment approving the applicant to store, process, or package food and to clean and sanitize their equipment and utensils at that location. Food may not be stored, packaged, or processed at a private residence or in any other unpermitted location.

## 2.10 Annual itinerant permit to operate

- 2.10.1 Permit requirement.** It is unlawful for any person to operate an annual itinerant unless a valid permit has been issued by the Health Authority.
- 2.10.2 Permit limitations.** An annual itinerant permit is renewed annually, with the Southern Nevada Health District's yearly billing cycle. Permits are not transferable from person to person. These permits are valid at all Special Events and Farmers' Markets throughout Southern Nevada upon proper notice of attendance to the Health Authority and permission of the event coordinator or Farmer's Market manager.

**NOTE:** Reference responsibilities for the event coordinator and Farmer's Market manager found in Event Coordinator Guidelines (See **Appendix A**) and Farmers' Market Regulations located at [www.southernnevadahealthdistrict.org](http://www.southernnevadahealthdistrict.org)

## 2.11 Initial plan review inspection by the Health Authority

- 2.11.1** An annual itinerant permit shall be issued only after an initial Plan Review field inspection pursuant to **Section 4.3.2.2** is conducted and passed the first time the applicant sets up the annual itinerant. On-site issuance of the permit by the Health Authority shall then be completed.
- 2.11.2** The person operating the annual itinerant shall prominently display all licenses and permits under which the annual itinerant is operating in a conspicuous location easily readable by the public at each food booth or point of sale.

- 2.11.3 Conditions warranting additional plan review may include, but are not limited to:
  - 2.11.3.1 Modified facilities or equipment for accomplishing functions such as handwashing, food preparation and protection, food temperature control, warewashing, providing drinking water, solid waste storage and disposal, and insect and rodent control.
  - 2.11.3.2 Altered, unapproved menu.

## 2.12 Food prohibitions

- 2.12.1 Except as otherwise specified in **Section 2.13**, food that is stored or prepared in a private home shall not be sold, offered or displayed for sale, or for compensation or contractual consideration of any kind.
- 2.12.2 Foods that have not been approved through menu review shall not be prepared or served.
- 2.12.3 The reuse of leftover food products is prohibited.
- 2.12.4 The resale of any food products that have been returned by a consumer is prohibited.
- 2.12.5 Packaged ice offered for sale is prohibited.

## 2.13 Annual itinerant permit exemptions. In accordance with **NRS 446.870**, the following food establishments are exempt from obtaining a permit:

- 2.13.1 Any person that prepares or stores food in a private home and it is given away free of charge or for no consideration of any kind. Under no circumstances can such food be given or sold to an annual itinerant.
- 2.13.2 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 will be required.
- 2.13.3 The Health Authority may exempt an annual itinerant from obtaining a permit if the Health Authority determines that the food which is sold, offered, displayed for sale, or served at the establishment does not constitute a potential or actual hazard to the public health. Exemptions include but are not limited to:

- 2.13.3.1** Commercially bottled or canned beverages, including bottled drinking water, that do not require refrigeration, served from the original properly labeled container without addition of consumer ice or other regulated product.
- 2.13.3.2** Sealed, commercially prepackaged, non-potentially hazardous food from an approved source with proper labeling such as potato chips, candy, popcorn, and other similar food.
- 2.13.3.3** Booths which sample food, but do not receive compensation or sell the product sampled at the booth. Although an annual itinerant permit is not required, the operation of the booth may be evaluated to ensure that good public health is practiced and that the booth operation does not create a nuisance.

## **Section 3**

### **ANNUAL ITINERANT OPERATIONAL REQUIREMENTS**

#### **3.1 General compliance with requirements**

- 3.1.1** Annual itinerants shall comply with the operational requirements specified in this Section and may be subject to other portions of these Regulations.
- 3.1.2** The Health Authority may augment or impose additional requirements to protect the public from potential hazards related to the operation of annual itinerants and when needed to assure the service of safe food.
- 3.1.3** Specific requirements for the physical facility where the food service activity is to be conducted are based on the type of food that is to be prepared or served, the length of the event, and the extent of food preparation that is to be conducted at the annual itinerant as approved by plan review.
- 3.1.4** Each annual itinerant shall set up as approved by plan review. The food booth will be evaluated during set up and operation periodically to ensure compliance with the approved set up.
- 3.1.5** 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 annual itinerant.
- 3.1.6** By submission to and approval of plan review, the Health Authority may modify specific requirements, including permit requirements, for physical facilities when of an opinion that no imminent health hazard will result. No changes shall be made until plan changes are approved.
- 3.1.7** The Health Authority may restrict or limit menu items, and prohibit the sale of any potentially hazardous food that may put the public at risk of disease or injury, as per **Sections 2.2.1 and 2.2.2**.

#### **3.2 Person in Charge**

- 3.2.1** Each annual itinerant shall have a designated person in charge responsible for knowledge of, and compliance with, these Regulations. Said person shall be on site and accessible to the Health Authority representative during all hours of operation of the annual itinerant. Facilities without such person in charge shall not be approved to open.

- 3.2.2 The person in charge shall have the food booth set up at the listed times for the Special Event or Farmer's Market so that inspections may take place in a timely manner.
- 3.2.3 The person in charge shall coordinate the annual itinerant activities with the designated event coordinator and ensure that the event coordinator provides all of the required amenities prior to set up and operation of the food booth.

### **3.3 Food source**

- 3.3.1 All food and beverages shall be obtained from an approved source acceptable to the Health Authority or prepared on the premises from ingredients from an approved source. Home canned food is prohibited.
- 3.3.2 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 food intended to be sold, offered or displayed for sale at an annual itinerant.
- 3.3.3 In the absence of an approved commissary or permitted food establishment, same day receipts for purchase of food and beverages shall be available on site for review by the Health Authority upon request.
- 3.3.4 Operators that obtain their food from a source outside Clark County may be required to provide proof to the Health Authority that the source of the food products is regulated and approved by a health authority in the jurisdiction of origin.
- 3.3.5 Ice which is intended for human consumption or cooling purposes shall be obtained from an approved source.

### **3.4 Food cooking, holding and service equipment and utensils—area set up and operation**

- 3.4.1 Aisles or working spaces between equipment and between equipment and walls, shall be unobstructed, and of sufficient width to permit food employees to readily perform their duties without contamination of the food or food contact surfaces by clothing or through personal contact.
- 3.4.2 The Health Authority shall restrict food at an event if adequate facilities are not available and functioning properly to maintain food at required temperatures.

- 3.4.3 An appropriately sized, calibrated temperature measuring device with a range of 0-220°F±2°, shall be available and used to monitor the temperature of PHFs at each food booth at all times.
  - 3.4.3.1 At least one such temperature measuring device shall be available at each work area for use by employees at all times.
  - 3.4.3.2 The temperature measuring device shall be wiped down with a sanitized wiping cloth or dipped into boiling water and air dried before insertion into the food.
  - 3.4.3.3 If proper sanitizing facilities are not readily available, alcohol wipes may be used to clean and sanitize the temperature measuring devices.

### **3.5 Cold holding and storage of potentially hazardous food**

- 3.5.1 Cold holding equipment such as mechanical refrigeration and ice chests shall maintain cold food at a temperature of 40°F±2° or below during storage, display and service. Approved equipment includes, but is not limited to, mechanical refrigeration units (NSF or equivalent) and ice chests with a drain and receptacle for ice melt water.
- 3.5.2 Foods requiring refrigeration shall be transported and held in a manner that does not allow food temperature to rise above 40°F±2°, if held cold. Frozen foods shall be maintained frozen. Supplemental dry ice or block ice may be used for this refrigeration purpose only. If these requirements are not met, the operator shall contact the Health Authority immediately to evaluate the food in question.
- 3.5.3 All temperature measuring devices and thermostats shall be easy to read, securely mounted, and readily visible. The thermostat sensing element for each refrigeration unit shall be located in the warmest part of the unit and monitored frequently during the event.
- 3.5.4 All refrigerated equipment shall be maintained in a clean and sanitary manner.
- 3.5.5 Frozen foods shall be displayed below or behind the manufacturer's load limit lines.
- 3.5.6 All perishable foods shall be stored at temperatures that will minimize spoilage.
- 3.5.7 No perishable food prepared on site for sale or sampling may be kept and stored between events.

### 3.6 Cooking, reheating and hot holding of potentially hazardous food

3.6.1 PHFs shall be cooked to and held at the following minimum temperatures for at least 15 seconds unless otherwise ordered by the immediate customer:

3.6.1.1 All poultry products, stuffed meats, and stuffing containing animal products shall be cooked to a minimum internal temperature of  $165^{\circ}\text{F}\pm 2^{\circ}$ .

3.6.1.2 All pork products, except whole-muscle intact pork, and ground beef shall be cooked to a minimum internal temperature of  $155^{\circ}\text{F}\pm 2^{\circ}$ .

3.6.1.3 Beef, whole-muscle intact pork, and fish products shall be cooked to a minimum internal temperature of  $145^{\circ}\text{F}\pm 2^{\circ}$ .

3.6.1.4 Roast beef shall be cooked to an internal temperature of at least  $130^{\circ}\text{F}\pm 2^{\circ}$  and held at  $130^{\circ}\text{F}\pm 2^{\circ}$  for a minimum of 121 minutes prior to service.

3.6.1.5 All cooked food that is reheated shall be heated to a minimum internal temperature of  $165^{\circ}\text{F}\pm 2^{\circ}$  within two hours.

3.6.1.6 Hot PHFs shall be held at  $140^{\circ}\text{F}\pm 2^{\circ}$  or above during storage, display, and service.

3.6.2 Food equipment intended for hot holding shall not be used to reheat food.

3.6.3 Previously cooked PHFs must originate from a permitted food processing establishment or a food establishment with a permit issued by the Health Authority.

3.6.4 Once reheated for service at the Special Event, the PHFs may not be retained for use the next day. (No leftovers)

3.6.5 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 **Section 3.9 Menu disclosure**.

### 3.7 Food preparation

3.7.1 All food handling and preparation, including preparing samples for consumption, shall take place within the annual itinerant unless prepared at an approved permitted food establishment or commissary.

3.7.2 PHFs prepared, reheated, or served at the annual itinerant shall be prepared and served on the same day and shall not be held for service on the following day. (No leftovers)

- 3.7.3 Frozen food shall be thawed by one of the following approved methods:
  - 3.7.3.1 Under mechanical refrigeration.
  - 3.7.3.2 In an ice chest, with drain, provided the food is maintained at 40°F±2° or colder.
  - 3.7.3.3 As part of the cooking process.
- 3.7.4 All food contact surfaces shall be washed, rinsed, and sanitized prior to use.
- 3.7.5 All food contact surfaces shall be washed, rinsed, and sanitized between the processing of raw foods.
- 3.7.6 Food may be wrapped with any of the following:
  - 3.7.6.1 Food grade plastic,
  - 3.7.6.2 Food grade paper.
  - 3.7.6.3 Aluminum foil.
  - 3.7.6.4 Waxed paper.
- 3.7.7 Ingredients of ready-to-eat PHFs must be prepared from pre-chilled ingredients.

**3.8 Food, single-use articles, utensils, and equipment protection, storage, service, and use**

- 3.8.1 Ice, food, utensils, single-use articles and equipment shall be protected from contamination such as dust, flies, rodents and other vermin, unnecessary handling, coughs, sneezes, flooding, draining overhead leakage, unclean utensils and work surfaces, and any other source of contamination while being stored, transported, prepared, displayed, served, or sold.
- 3.8.2 All food shall be stored within the immediate area of the permittee's operation or in an enclosed transport vehicle under the control of the permittee, protected from any source of contamination during the event. Approved temperature control for high risk foods must be ensured at all times while in storage.
- 3.8.3 All food shall be stored at an approved commissary or food establishment prior to the commencement of and following the completion of the event.
- 3.8.4 All food, food contact surfaces, and single-service and single-use articles shall be stored at least 6 inches off the ground.

- 3.8.5** Shelves in refrigerators or freezers shall not be covered with aluminum foil, metal sheets, or any other material that restricts or prevents the circulation of air within a refrigerator or freezer.
- 3.8.6** Animals are prohibited in food preparation and storage areas except when service animals are specifically allowed on the premises of an event . The presence of such animals must not result in the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles. Nothing in this section shall be construed or be in conflict with the Americans with Disability Act or shall impede any law enforcement service animal and its handler in the performance of their duties.
- 3.8.7** Condiments such as mustard and ketchup, seasonings, and dressings for customers who serve themselves shall be dispensed in single-service packaging, or from commercially packaged squeeze bottles, shakers, or dispensers approved by the Health Authority.
- 3.8.8** Only single-service articles shall be provided for use by the consumer. Wood may be used for single-service articles such as chopsticks or stirrers.
- 3.8.9** 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.
- 3.8.9.1** The same ice chest shall not be used for the storage of both raw animal products and ready-to-eat food.
- 3.8.9.2** Equipment and utensils shall be thoroughly cleaned and sanitized, as specified in **Section 3.12**, between being used for raw animal products and ready-to-eat food.
- 3.8.9.3** When warewashing facilities are not available, an adequate supply of clearly identified equipment and utensils shall be provided for use on raw animal products.
- 3.8.10** Food in a serving line, or other kind of display shall be protected against contamination by the consumer or the environment through the food employee's use of appropriate devices, such as food shields, easily cleanable counters, protective packaging, display cases, or other effective means as approved by the Health Authority. Adequate supervision shall be provided to prevent consumers from contaminating food.

- 3.8.11** Food dispensing utensils shall be stored in a manner that protects utensils and food from contamination. Utensils may be stored:
- 3.8.11.1** In the food product with the handle extended above the food.
  - 3.8.11.2** On a food contact surface such as a clean portion of a food preparation table or cooking equipment that has been properly cleaned and sanitized at an approved frequency.
  - 3.8.11.3** In a clean, protected location if the utensils such as ice scoops, are used only with a non-PHF.
  - 3.8.11.4** In a container of water, if the water is maintained at a temperature of  $40^{\circ}\text{F}\pm 2^{\circ}$  or below or  $140^{\circ}\text{F}\pm 2^{\circ}$  or above, and the utensils and the container are cleaned at a minimum of four hours in an approved warewashing facility or more frequently, as necessary, to preclude accumulation of food residues.
- 3.8.12** Utensils shall be washed, rinsed, and sanitized at a commissary or permitted food establishment, as needed. If a commissary or warewashing area is not on site, then additional clean and sanitized utensils shall be stored in sanitary sealable and closed food-grade plastic bags sufficient to handle the duration of the event hours of operation.
- 3.8.13** Soiled and used utensils shall be replaced at a minimum of every four hours from the time the food booth opens.
- 3.8.14** Dirty utensils shall be stored in a separate plastic bag or container. If any vermin are present and observed on food or food contact surfaces such as cutting boards, knives, etc., the contaminated item shall be removed from use immediately or disposed of.
- 3.8.15** 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 3.8.11** above by an approved scoop with a handle. The ice shall be held in a way that protects it from contamination until dispensed.
- 3.8.16** Ice used for cooling shall not be used for consumption. Ice used for cooling purposes:
- 3.8.16.1** Shall not come in direct contact with food.
  - 3.8.16.2** Shall have adequate drainage to prevent the pooling of water.
- 3.8.17** Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches shall not be stored in direct contact with ice.
- 3.8.18** Beverage containers may be stored in direct contact with ice when:

- 3.8.18.1** The storage facility is equipped with adequate drains that preclude the accumulation of water during use;
  - 3.8.18.2** The melt water, from ice, is disposed of so as not to create a nuisance, and
  - 3.8.18.3** The storage facility is kept clean.
- 3.8.19** Chemicals shall be stored separate and below all food, single-service and single-use articles, and food equipment.
- 3.8.19.1** Only those poisonous or toxic chemicals necessary for maintaining the annual itinerant, cleaning and sanitizing equipment and utensils, and controlling vermin, may be present at annual itinerants.
  - 3.8.19.2** Containers of poisonous or toxic materials shall be prominently and distinctly labeled for easy identification of contents.
  - 3.8.19.3** Poisonous or toxic chemicals may not be used in a way that contaminates food, equipment, or utensils, or that constitutes a hazard to employees or other persons, or in any manner other than in full compliance with the manufacturer's labeling.
  - 3.8.19.4** These chemicals shall be stored in a manner that prevents inadvertent spillage or mixing that may create a safety or health concern.
  - 3.8.19.5** First-aid supplies shall be stored in a way that prevents them from contaminating food and food contact surfaces.
  - 3.8.19.6** Only those articles that are necessary for the operation and maintenance of the annual itinerant may be stored on the premises.
- 3.8.20** Food preparation and cooking equipment shall not be stored in areas readily accessible to the public.
- 3.8.21** Cloth towels shall not come in direct contact with food.
- 3.8.22** Cloth napkins for covering bread are acceptable when changed daily or after being soiled in any manner.
- 3.8.23** Cloth towels used to drain grease from any food product may not be used for any other purpose.
- 3.8.24** Containers used to store poisonous or toxic materials shall not be used to store, transport, or dispense food.

**3.9 Menu disclosure.** If raw or undercooked food of animal origin is offered in a ready-to-eat form or state as a deli, menu, or other item or as a raw ingredient in another ready-to-eat food or per the request of the individual consumer, the operator of the annual itinerant shall post a consumer advisory. This may be posted by placards or menu advisories of the significantly increased risk associated with certain especially vulnerable consumers eating such food in a raw or undercooked form. This section does not apply to approved smoked or cured meat. The following language may be used for this consumer advisory:

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

**3.10 Food sampling.** Any annual itinerant that portions and offers samples of any food shall set up for and provide the samples in the following manner:

**3.10.1** Each annual itinerant which portions food on site must have an approved, properly set up and supplied handwashing sink present at their place of operation.

**3.10.2** The food employee or person in charge shall display high risk food samples immediately after preparation. Such samples may be displayed for up to two hours and then must be discarded.

**3.10.3** All samples, whether low risk or high risk foods must be displayed in a manner that does not permit them to become contaminated. Acceptable display options include display domes over clean plates or trays, covered display cases, and wrapping samples in food grade plastic wrap.

**3.10.4** Once samples have been placed on display for sampling, including low risk food samples, they may not be placed in storage or on display for sale.

**3.10.5** Samples shall be dispensed by means that prevent consumers from contaminating other samples. Sampling methods may include:

**3.10.5.1** Individually wrapped portions.

**3.10.5.2** Tongs.

**3.10.5.3** Toothpicks.

**3.10.5.4** Units that dispense one sample at a time.

**3.10.5.5** Separation by use of deli paper or cups.

**3.10.5.6** A food worker dispensing a sample into the consumer’s hands by use of gloved hand or utensil.

- 3.10.6 Open food sampling is prohibited for packaged, non-potentially hazardous and packaged potentially hazardous food service categories (See **Section 2.3.2**)

### **3.11 Personal hygiene requirements and handwashing sinks**

- 3.11.1 Each annual itinerant that handles open food shall have an operable handwashing sink, as approved in plan review, at their place of business. The handwashing sink shall be properly equipped, maintained, stocked, and ready for use prior to any open food handling.
- 3.11.2 The trash receptacle shall be emptied at least once a day and more frequently when necessary to prevent excessive accumulation of solid waste.
- 3.11.3 Hand sanitizers and single-service gloves may be used, but are not a substitute for proper handwashing.

### **3.12 Cleaning and sanitizing of utensils and equipment**

- 3.12.1 An approved sanitizing solution in a labeled container shall be available prior to any open food handling taking place.
  - 3.12.1.1 Approved sanitizer solutions in water include 50-100 ppm chlorine (bleach), quaternary ammonium compound applied at a concentration specified by the manufacturer, or 12.5 ppm iodine.
  - 3.12.1.2 Appropriate test strips or test kit shall be available and routinely used to measure the concentration of the sanitizer.
- 3.12.2 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.
- 3.12.3 Equipment and utensils shall be washed, rinsed, and sanitized at least once every four hours, or replaced after four hours. Warewashing equipment must be maintained, stocked, and operated as approved by Plan Review.
- 3.12.4 Three-compartment sinks used for washing and sanitizing equipment and utensils shall be cleaned before use.

- 3.12.5** Sequence for manual warewashing:
- 3.12.5.1** Wash in the first basin with a clean solution of detergent and water with a minimum temperature of 110°F±2°.
  - 3.12.5.2** Rinse in the second basin filled with clean water, removing all detergent and abrasives.
  - 3.12.5.3** Sanitize in the third basin by immersion for a minimum of one minute, or as directed by the manufacturer, in an approved sanitizing solution as listed in **Section 3.12.1.1**.
  - 3.12.5.4** Air dried in a sanitary manner.
  - 3.12.5.5** Water shall be changed as necessary.
- 3.12.6** Those annual itinerants lacking on-site warewashing 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 or as needed.
- 3.12.7** When a three-compartment sink is not available on site, all necessary washing and sanitizing of equipment and utensils shall be conducted at an approved commissary or permitted food establishment.
- 3.12.8** Clean utensils shall be stored in a sanitary manner.
- 3.13 Water supply.** Equipment used by the annual itinerant to store and transport potable water shall be maintained clean, sanitary, and in good working condition and be operated as designed and approved by plan review.
- 3.14 Wastewater**
- 3.14.1** Wash water, rinse water, or wastewater generated by an annual itinerant must be properly handled and shall be disposed into a sanitary sewer system.
  - 3.14.2** Wastewater shall not be dumped onto the ground surface, into waterways, or into storm drains.
  - 3.14.3** Wastewater shall be collected in watertight containers until properly disposed.
  - 3.14.4** An annual itinerant shall cease all food operations if wastewater spills affecting the location of the food booth occur.
- 3.15 Solid waste.** Frequent disposal of solid waste is required to prevent excessive accumulation and to eliminate the potential for a public health nuisance.

- 3.15.1** There shall be at least two solid waste containers with plastic disposable liners at each individual annual itinerant: one container at or near the handwashing station to hold paper towels from handwashing and one to hold all other solid waste.
- 3.15.2** Solid waste storage facilities shall be clean, adequately sized, and shall not create a nuisance.
- 3.15.3** All food waste shall be inaccessible to vermin.
- 3.15.4** Each solid waste container shall be emptied and thoroughly cleaned daily.
- 3.15.5** All solid waste shall be stored in a manner approved by the Health Authority.
- 3.16 Lighting.** A minimum of 35-foot candles of natural or artificial light shall be provided on all work surfaces within an annual itinerant. Artificial lighting and shielding above open food areas shall be well maintained so as not to present a safety hazard.
- 3.17 Food employee personnel requirements**

  - 3.17.1** All food employees shall operate an annual itinerant in compliance with all applicable sections of these Regulations.
  - 3.17.2** All food employees shall have a valid Food Handler Health Card as approved and issued by the Health Authority
  - 3.17.3** Food employees shall maintain a high degree of personal cleanliness and conform to good hygienic practices while working.
  - 3.17.4** All food employees shall keep their nails clean and trimmed. Artificial nails and jewelry on their arms or hands except a wedding band while in bare hand contact with food are prohibited.
  - 3.17.5** The outer clothing of all food employees shall be clean and well-maintained.
  - 3.17.6** All food employees shall effectively restrain their hair. Restraints may include nets, caps, hats, and hair spray.

- 3.17.7** Food employees, at a minimum, shall wash their hands:
  - 3.17.7.1** Before entering food preparation and service areas.
  - 3.17.7.2** Immediately before engaging in any food preparation.
  - 3.17.7.3** Before donning gloves for working with ready-to-eat food and after removal of gloves when working with raw animal product.
  - 3.17.7.4** Between glove changes.
  - 3.17.7.5** After using the toilet, smoking, eating, or handling raw food.
  - 3.17.7.6** As often as necessary to remove soil and contamination and to prevent cross contamination.
  
- 3.17.8** Food employees shall minimize bare hand contact with ready-to-eat food by suitable means such as deli paper, spatulas, tongs, single-use gloves, or dispensing equipment. The use of single-use gloves or utensils is not a substitute for required proper hand washing.
  
- 3.17.9** Gloves shall be replaced whenever contaminated, soiled, torn, ripped, or removed. Gloves may not be reused.
  
- 3.17.10** Eating and the use of any tobacco products in the food booth shall be restricted to designated areas away from all food preparation and storage areas.
  
- 3.17.11** Food employee beverages shall be in a closed container with spout or straw and stored away from food and food contact surfaces.
  
- 3.17.12** Any person not directly involved in the operation of an annual itinerant shall be restricted from food preparation and service areas.
  
- 3.17.13** When the Health Authority has reasonable cause to suspect the possibility of disease transmission from any food employee, the Health Authority shall secure a morbidity history of the suspected food employee, or make other investigation as may be indicated, and take appropriate action, such as any or all of the following:
  - 3.17.13.1** The immediate exclusion of the food employee from the annual itinerant;
  - 3.17.13.2** The immediate closure of the annual itinerant until, in the opinion of the Health Authority, no further danger of disease outbreak exists; and
  - 3.17.13.3** Requiring appropriate medical and/or laboratory examination of the food employee, of other food employees, and/or of their bodily discharges.

## **Section 4 Compliance and Enforcement**

- 4.1 Operation of annual itinerant without a permit.** Annual itinerant operators who are found operating without a valid health permit shall be required to cease food operations immediately until a valid health permit is obtained and approved. Failure to comply will result in a written notice of violation and possible subsequent legal action taken by the Health Authority.
- 4.2 Menu and equipment modifications.** Annual itinerant permits are limited to those menu items and equipment approved during the initial plan review and inspection process. Prior to any changes in the approved menu or existing equipment, the permit holder shall:
- 4.2.1** Submit any intended additions or modifications of equipment and menu to the Health Authority for review and approval, or
  - 4.2.2** Obtain additional permitting or equipment as required for an annual itinerant permit specific to type of food to be served.
- 4.3 Inspections**
- 4.3.1 Credentials.** After presenting official credentials, the Health Authority shall be permitted to inspect, at any reasonable time, any food establishment within Clark County to determine compliance with these Regulations. The Health Authority shall be permitted to examine any pertinent information pertaining to food and supplies purchased, received, or used, and persons employed.
- 4.3.2 Inspections by the Health Authority**
- 4.3.2.1** A pass/fail status will be determined upon inspections by a representative of the Health Authority.
  - 4.3.2.2** An annual itinerant shall be deemed to pass its initial plan review 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 violations must be corrected before a permit is issued.
  - 4.3.2.3** The Health Authority may periodically inspect throughout its permit period, any annual itinerant to verify that good public health is practiced. Conditions warranting additional inspections may include, but are not limited to:
    - 4.3.2.3.1** Inexperienced food employees.
    - 4.3.2.3.2** Inclement weather.
    - 4.3.2.3.3** Citizen or alleged foodborne illness complaint investigations.

**4.3.2.3.4** Failed inspection(s).

**4.3.2.3.5** Food from unapproved, unpermitted commissaries or food establishments.

**4.3.2.4** When such periodic routine operational inspections take place for the annual itinerant, a passing score is a demerit score ranging from 0 to 15. During an inspection of an annual itinerant, it shall be deemed to fail when more than 15 demerits are found. At that time, the annual itinerant's permit will be suspended and a closure fee assessed. The annual itinerant 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 received. A passing score is 15 demerits with no repeat critical violations.

**4.3.2.5** Notwithstanding demerit values noted above in **Section 4.3.2.4**, any uncorrected imminent health hazard may result in immediate suspension of the health permit.

### **4.3.3 Findings**

**4.3.3.1** Whenever the Health Authority makes an inspection of an annual itinerant, 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.

**4.3.3.2** The Health Authority may order the annual itinerant to cease and desist operation if the establishment is found to be violating the requirements set forth in these Regulations. The annual itinerant shall not resume operations until approved by the Health Authority.

**4.4 Schedule of events.** The annual itinerant permit holder must provide to the Health Authority a written schedule of all Special Events and Farmers' Markets they plan to attend. Any updates to the schedule must be provided at least two business days prior to the start of any special event and farmer's market. Failure to notify the Health Authority within the required timeframe will result in the following actions for the given permitting billing period:

**4.4.1** First occurrence: written warning.

**4.4.2** Second occurrence: Cease and Desist for that particular event.

**4.4.3** Third occurrence: Permit suspension, including closure fee, plus a Supervisory conference.

4.4.4 Fourth occurrence: The permit holder shall be noticed to appear before the District Board of Health for consideration of revocation of their annual itinerant health permit.

#### 4.5 Examination and condemnation of food/adulterated food or risk to public health

##### 4.5.1 Labeling requirements

- 4.5.1.1 Processed packaged food shall not be misbranded; and
- 4.5.1.2 Shall be labeled in accordance with the Code of Federal Regulations (CFR) Part 101.
- 4.5.1.3 All pre-packaged food shall not be misbranded or mislabeled.

##### 4.5.2 Examination and condemnation of food

- 4.5.2.1 Food may be examined or sampled by the Health Authority as often as may be necessary to determine freedom from adulteration or misbranding.
- 4.5.2.2 Food which upon inspection of an annual itinerant 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.
- 4.5.2.3 The Health Authority may, upon written notice to the person in charge, place a hold order on any food that the Health Authority determines is or has probable cause to believe may be unwholesome or otherwise adulterated or misbranded.
- 4.5.2.4 Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice, or tag placed on food by the Health Authority. Neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the Health Authority, except by order of a court of competent jurisdiction
- 4.5.2.5 Food that has been condemned may be voluntarily destroyed and discarded by the food establishment operator in the presence of the Health Authority or otherwise placed on hold as specified in **NRS 446.920**.
- 4.5.2.6 After the permittee or person in charge has had a hearing with the Health Authority and on the basis of evidence produced at such hearing, or on the basis of his examination in the event a written request for a hearing is not received within ten days, the Health Authority may vacate the hold order, or may by written order direct the permittee or person in charge of the food that was placed under the hold order to denature or destroy such food, or to bring it into compliance with the provisions of these Regulations. Such order of the Health Authority to denature or destroy such food or bring it into

compliance with the provisions of these Regulations shall be stayed if the order is appealed to a court of competent jurisdiction within three days.

#### **4.6 Suspension or revocation of annual itinerant permit and reinstatement**

**4.6.1 Unsanitary condition or health hazard.** Whenever the Health Authority finds an unsanitary condition, or an imminent health hazard at a Special Event or in the operation of an annual itinerant, 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.

#### **4.6.2 Cease and Desist**

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

**4.6.2.2** The annual itinerant permit will be reinstated only after the violations have been corrected and the annual itinerant receives approval from Health Authority.

#### **4.6.3 Health permit suspension**

**4.6.3.1** Permits issued under the provisions of these Regulations may be suspended temporarily by the Health Authority for failure of the operator to comply with the requirements of these Regulations.

**4.6.3.2** 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 must be notified in writing that the permit is, upon service of the notice, immediately suspended. The notice must also contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed by him with the Health Authority.

**4.6.3.3** Whenever the Health Authority finds an unsanitary or other condition in the operation of an annual itinerant which, in his judgment, constitutes a substantial hazard to the public health, he may without warning, notice or hearing issue a written order to the permit holder or operator citing the condition, specifying the corrective action to be taken, and specifying the time within which the action must be taken. The order may state that the permit is immediately suspended and all food operations must be immediately discontinued. Any person to whom such an order is issued shall comply with it immediately. Upon written

petition to the Health Authority, the person must be afforded a hearing as soon as possible.

- 4.6.3.4 Any person whose permit has been suspended may, at any time, make application for a reinspection for reinstatement of the permit. Within ten days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the Health Authority shall make a reinspection after all applicable closure fees have been paid or arrangements have been made for payment in writing. If the applicant is complying with the requirements these Regulations, the permit must be reinstated.

#### 4.6.4 Health permit revocation

- 4.6.4.1 For imminent health hazards or repeated violations of any of the requirements of these Regulations or for interference with the Health Authority in the performance of his duties, an annual itinerant permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Authority. Before taking such an action, the Health Authority shall notify the permit holder in writing, stating the reasons for which the permit may be suspended for cause pending its revocation or a hearing relative thereto.

- 4.6.4.2 The Health Authority may permanently revoke a permit after five days following service of the notice unless a request for a hearing is filed with the Health Authority by the permit holder within five days.

- 4.6.4.3 The hearings provided for in this section must be conducted by the Health Authority at a time and place designated by him. Based upon the record of the hearing, the Health Authority shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the Health Authority.

- 4.7 **Interference with performance of duties unlawful.** As per **NRS 446.885(3)** and pursuant to **NRS 199.300**, it is unlawful for any person to interfere with the Health Authority in the performance of his or her duties.

- 4.8 **Service of notices.** The Health Authority shall properly serve notice by:

- 4.8.1 Delivering it to the annual itinerant permit holder;
- 4.8.2 Delivering it to the designated person in charge of the annual itinerant; or
- 4.8.3 If no permit holder or person in charge can be located and a Cease and Desist Order must be executed, delivering it to the event coordinator responsible for the Special Event or Farmer's Market or to any available food employee left in charge of the annual itinerant,
- 4.8.4 If no person in charge, permit holder, event coordinator or food employee can be located on site and food operations have ceased, sending it by

registered or certified mail, return receipt requested, to the last known address of the annual itinerant permit holder. The Health Authority shall file a copy of the notice in the records of the Health Authority.

**4.9 Severability clause and effective date**

Should any section, paragraph, sentence, clause, or phrase of these Regulations be declared unconstitutional or invalid for any reason, the remainder of said Regulations shall not be affected thereby. These Regulations shall become effective upon approval by the District Board of Health.