

DISTRICT HEALTH



DEPARTMENT

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REGULATIONS
OF
THE WASHOE COUNTY DISTRICT BOARD OF HEALTH
GOVERNING

FOOD ESTABLISHMENTS

WASHOE COUNTY DISTRICT HEALTH DEPARTMENT
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ADOPTED BY THE WASHOE COUNTY DISTRICT BOARD OF HEALTH ON SEPTEMBER 27, 2007

APPROVED BY THE NEVADA STATE BOARD OF HEALTH ON DECEMBER 7, 2007

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AUTHORITY

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

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

Now, therefore, the Washoe County District Board of Health does hereby adopt the following Regulations of the Washoe County District Board of Health Governing Food Establishments on September 27, 2007. Approved by the Nevada State Board of Health on December 7, 2007.

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

SECTION 010

DEFINITIONS

GENERAL

As used in these regulations, unless the context otherwise requires, the words and terms set forth in sections 010.002 through 010.165 have the meanings ascribed to them in those sections.

010.002 ACCREDITATION

Means that an accrediting organization has reviewed a Food Protection Manager Certification Program and has verified that it complies with the Standards for Accreditation of Food Protection Manager Certification Programs developed by the Conference for Food Protection (CFP).

010.003 ACCREDITING ORGANIZATION

Means an independent organization that determines whether a Food Protection Manager Certification Program meets the standards developed by the (CFP).

010.005 ADULTERATED FOOD

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

1. It bears or contains any poisonous or deleterious substance which may render it injurious to health unless the substance is not an added substance and the quantity of the substance does not ordinarily render it injurious to health;
2. It consists in whole or in part of a diseased, contaminated, filthy or decomposed substance, or if it is otherwise unfit for food;
3. 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;
4. It is the product of an animal which is diseased, died otherwise than by slaughter or was fed upon the uncooked offal from a slaughterhouse;
5. Its container is composed, in whole or in part, of any poisonous or deleterious substance, which may render the contents injurious to health;
6. It bears or contains any color additive, which is unsafe within the meaning of the Federal Act;

7. Any valuable constituent has been in whole or in part omitted or abstracted there from;
8. Any substance has been substituted wholly or in part therefore;
9. Damage or inferiority has been concealed in any manner; or

Any substance has been added thereto or mixed or packed therewith so as to increase bulk or weight or reduce its quality or strength, or make it appear better or of greater value than it is.

010.010 APPROVED

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

010.012 BED AND BREAKFAST ESTABLISHMENT

A single-family dwelling containing no more than five guest rooms (no cooking facilities in guest rooms) where, for compensation, meals and lodging are provided.

010.013 CERTIFIED FOOD PROTECTION MANAGER

Means a person certified in compliance with Sections 015.119, 015.125 and 015.142 of these regulations.

010.014 CERTIFIED FOOD PROTECTION INSTRUCTOR

Means a person certified in compliance with Sections 015.165, 015.168 and 015.180 of these regulations to conduct Food Protection Manager Training and Certification courses within the Health District.

010.145 CERTIFICATION ORGANIZATION

Means an organization that provides an accredited certification program for Food Protection Manager Certification, including a recognized examination, and issues a certificate for passage of the examination.

010.147 CFP

Is the acronym for the Conference for Food Protection.

010.015 CLOSED

Fitted together snugly, leaving no openings large enough to permit the entrance of vermin.

010.017 COMMISSARY

An approved food establishment where food, food containers or other supplies are stored, prepared, portioned, handled or packaged for service elsewhere in a mobile food unit or pushcart.

010.0178 CONSUMER

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

010.018 CONTROL

Means to manage the operations of a food establishment to maintain compliance with established food protection standards, applicable laws and regulations. The state where correct procedures are being followed and compliance is being met.

010.019 CONTROL POINT

Means any point or procedure at which a biological, chemical, or physical hazard can be controlled.

010.020 CORROSION-RESISTANT MATERIAL

Material which maintains its original surface characteristics under prolonged exposure to food, cleaning compounds and sanitizing solutions, which may contact it.

010.0205 CRITICAL CONTROL POINT

Means a point or procedure in a specific food system at which control can be applied to prevent or eliminate a food safety hazard or reduce it to an acceptable level.

010.021 DIRECT SUPERVISION

Means the training and supervision of a designated person-in-charge, by a Certified Food Protection Manager/Certified Food Service Manager, to operate a permitted food establishment in compliance with all applicable laws and regulations pertaining to food when the Certified Food Protection Manager/Certified Food Service Manager is absent from the food establishment.

010.025 EASILY CLEANABLE

Readily accessible, of such material and finish, and so fabricated, that residue may be completely removed by normal cleaning methods.

010.026 ELEMENT OF KNOWLEDGE

Means the specific skills and knowledge necessary for a Food Protection Manager to perform in a minimally competent manner.

010.027 EMPLOYEE

Means any individual having supervisory or management duties, or any other person working in a food establishment or temporary food establishment.

010.030 EQUIPMENT

All stoves, ranges, hoods, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables and similar items other than utensils, used in the operation of food establishment.

010.031 EVENT PROMOTOR

Means a person, firm, association or corporation licensed by the county commission or city council to conduct a special event or activity.

010.0315 EXAMINATION ADMINISTRATOR

Means the individual at the examination site who has the ultimate responsibility for conducting a recognized examination. An examination administrator must have training, documented successful experience, or a combination of experience and training in examination administration and security procedures. The examination administrator must provide written assurance of maintaining confidentiality of test contents and of adherence to standards and ethics of secure examination administration. Responsibilities include, but are not limited to:

1. Verifying that the contents of the examination materials shipment matches the packing list;
2. Assuring that the site conforms to the requirements set forth by the certifying organization;
3. Training and supervising monitors/proctors;
4. Assuring accurate identification of examinees;
5. Adhering to all procedures and instruction in the examination administration manual;
6. Maintaining security of examination materials;
7. Assuring compliance with procedures for handling any breaches of security that may occur.
8. Handling of completed examinations;
9. Maintaining confidentiality of candidate scores, and performing such unspecified duties as may be required for safe and secure administration of examination.

010.032 FARM PRODUCTS

Includes all agricultural, horticultural, viticultural and vegetable products of the soil, poultry and poultry products, livestock and livestock products and hay. The term does not include timber products or milk and milk products. (NRS 576.0155).

010.034 FARMERS' MARKET

Means a place of business where the actual producer of farm products can bring products for direct sale to consumers. The term includes a place of business where a person rents space to producers for the sale of farm products.

010.035 FOOD

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

010.040 FOOD CONTACT SURFACES

Surfaces of equipment and utensils with which food normally comes in contact, and surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.

010.045 FOOD ESTABLISHMENT

Any place, structure, premise, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale, or served. (NRS 446.020)

Food establishment does not include:

1. A private home, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind.
2. Fraternal or social clubhouses, attendance at which is limited to club members.
3. Vehicles operating on common carriers engaged in interstate commerce.
4. Premises on which religious, charitable and other nonprofit organizations sell food for the purpose of raising funds or on which charitable organizations receive salvage food in bulk quantities for the purpose of free distribution.
5. Any slaughter establishment, which is regulated and inspected by the state department of agriculture.
6. Dairy farms and plants which produce milk and products of milk or frozen desserts which are regulated under Chapter 584 of NRS; or
7. The premises of a wholesale dealer of alcoholic beverages which are sealed in containers.

010.050 FOOD ESTABLISHMENT UNDERGOING REMODELING

Means any food establishment, which changes the floor plans or the structure of the building that houses the operation and/or a food establishment, which changes its food handling operations.

010.055 FOOD HANDLER

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

- 010.0555 FOOD PROTECTION HEARING AND ADVISORY BOARD**
- A group of individuals appointed by the District Board of Health to serve, as needed, when an appeal or variance hearing is required by these regulations.
- 010.056 FOOD PROTECTION INSTRUCTOR CERTIFICATE**
- Means a certificate issued by the Health Authority, indicating the holder of the certificate has demonstrated a satisfactory level of training and competency to perform the functions of a Certified Food Protection Instructor.
- 010.057 FOOD PROTECTION MANAGER CERTIFICATE**
- Means a certificate issued by the Health Authority, indicating the holder of the certificate has demonstrated a satisfactory level of training and competency to perform the functions of a Certified Food Protection Manager.
- 010.575 FOODBORNE ILLNESS**
- A disease or injury occurring in any person as a result of consuming adulterated food.
- 010.058 FULL TIME**
- Means 30 hours per week or the length of time the food establishment is in operation, whichever is less.
- 010.059 HACCP**
- Is the acronym for Hazard Analysis Critical Control Point and means a systematic approach to the identification, evaluation, and control of food safety hazards.
- 010.0593 HACCP PLAN**
- Means the written document that delineates the formal procedures for following the HACCP principles developed by the National Advisory Committee on Microbiological Criteria for Foods.
- 010.0595 HAACP SYSTEM**
- Means the result of the implementation of a HACCP Plan.
- 010.0597 HAZARD**
- Means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.
- 010.0598 HAZARD ANALYSIS**
- Means the process of collecting and evaluating information on hazards associated with food to decide which are significant and must be addressed in a HACCP Plan.
- 010.060 HEALTH AUTHORITY**
- The officers and agents of the Washoe County District Board of Health.

010.062 HEALTH DISTRICT

The Washoe County Health District created pursuant to NRS 439 and the interlocal agreement of the City of Reno, the City of Sparks, and the County of Washoe, Nevada. It includes all the incorporated cities and unincorporated areas within the geographic boundaries of Washoe County, Nevada.

010.065 HERMETICALLY SEALED CONTAINER

A container designed and intended to be secure against the entry of microorganisms and to maintain the sterility of its contents after processing.

010.066 JOB ANALYSIS

Means the description of functions of tasks required for an individual to perform to entry level standards in a specific job or occupation, including information about attributes required for that performance. It defines the performance dimension of a job and includes knowledge, skills and abilities necessary to carry out the tasks.

1. Tasks are the individual functions, whether mental or physical, necessary to carry out an aspect of a specific job.
2. Knowledge, skills and abilities (KSA's) include the information and other attributes that the worker must possess in order to perform effectively and safely. They include information and understanding as well as learned behaviors and natural attributes.

010.070 KITCHENWARE

All utensils, other than tableware and single service utensils, used in the storage, preparation, conveying or serving of food.

010.073 MOBILE FOOD DEPOT

An approved location where the mobile food unit is serviced and stored when not in operation.

010.074 LIQUID WASTE

A waste material which is not spadeable. (WCDBOH Regulations Governing Solid Waste Management Section 010.325)

010.0745 MISBRANDED

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

010.075 MOBILE FOOD UNIT

A vehicle mounted food service establishment, which is readily movable.

010.076 MONITOR

Means an authorized agent of the program sponsor who ensures the security of the recognized examination and verifies the identity of candidates taking the examination.

- 010.080 NEW FOOD ESTABLISHMENT**
- Any food establishment beginning operation at a location, which is newly constructed for that purpose or a food establishment beginning operation in any pre-existing structure.
- 010.082 OPERATIONAL SUPERVISION**
- Means the on-site supervision and management of a permitted food establishment's foodservice operations and foodservice employees.
- 010.083 PACKAGED**
- Bottled, canned, cartoned or securely wrapped.
- 010.090 PERISHABLE FOOD**
- Any food which may spoil and be rendered unwholesome for human consumption.
- 010.095 PERSON**
- A person, firm, partnership, association or corporation, or other legal entity.
- 010.100 PERSON IN CHARGE**
- The individual present in a permitted food establishment or temporary food establishment who is the apparent supervisor of the food preparation and service activities in the establishment at the time of inspection by the Health Authority.
- 010.103 POISONOUS OR TOXIC MATERIALS**
- For the purpose of these regulations, there are three categories of poisons or toxic materials:
1. Insecticides and rodenticides.
 2. Detergents, sanitizers and related cleaning or drying agents.
 3. Caustics, acids, polishes and other chemicals.
 4. Any other substance, as deemed by the Health Authority, that may have deleterious effects on exposed individuals.
- 010.105 POTABLE WATER**
- Water that meets the primary chemical and bacteriological standards criteria of the State Water Supply Regulations either with or without generally accepted treatment methods to remove deleterious materials, if present, or other approved water.
- 010.110 POTENTIALLY HAZARDOUS FOOD**
1. Means a food that is natural or synthetic and requires temperature control because it is in a form capable of supporting:
 - A. The rapid and progressive growth of infectious or toxigenic microorganisms;
 - B. The growth and toxin production of *Clostridium botulinum*; or

- C. In raw shell eggs, the growth of *Salmonella enteritidis*.
2. Potentially hazardous food includes an animal food (a food of animal origin) that is raw or heat treated; a food of plant origin that is heat treated or consists of raw seed sprouts; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth as specified in subparagraph 1 of this definition.
 3. Potentially hazardous food does not include:
 - A. An air-cooled hard boiled egg with the shell intact, or a shell egg that is not hard boiled, but has been treated to destroy all viable *Salmonellae*;
 - B. A food with a water activity value of 0.85 or less;
 - C. A food with pH level of 4.6 or below when measured at 24° C or 75° F;
 - D. 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;
 - E. A food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of *Salmonella enteritidis* in eggs or *Clostridium botulinum* cannot occur and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or
 - F. A food that does not support the growth of microorganisms as specified in subparagraph 1 of this definition even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness.

(2001 Edition FDA Model Food Code)

010.111 PREMISES

Premises means property and/or building, either owned, rented, leased or otherwise used by an organization as the principal place where the activities of the organization are conducted.

010.1110 PROCTOR

Means persons under the supervision of a test administrator, assisting by assuring that all aspects of an examination administration are being carried out with precision, with full attention to security and to the fair treatment of examinees. Proctors have the responsibility and have the ability to observe examinee behaviors, accurately distribute and collect test materials, and assist the test administrator as assigned. They must have training or documented successful experience in monitoring procedures and must affirm in writing an agreement to maintain test security and to assure that they have no conflict of interest.

010.1111 PRODUCE

Means any whole, uncut, fresh fruit or vegetable in its raw or natural state.

010.1112 PRODUCE STAND

Means a food operation that sells, offers for sale, or gives away only produce.

010.1113 PRODUCER

Means a person or entity that produces fruit, nuts or vegetables by the practice of the agricultural arts upon the land that the person or entity owns and/or controls.

010.1114 PROGRAM SPONSOR

Means the entity conducting an approved food protection manager training course.

010.1115 PSYCOMETRIC

Means the scientific measurement or quantification of human qualities, traits or behaviors.

010.112 PUSHCART

A non-motorized mobile food unit limited to serving non-potentially hazardous foods, or pre-wrapped food maintained at proper temperatures, or limited to the preparation and service of frankfurters.

010.113 PUTRESCIBLE WASTE

Waste that is capable of being decomposed by micro-organisms with sufficient rapidity as to cause odors, gases, and attract and/or harbor vectors, or cause similar objectionable conditions. (WCDBOH Regulations Governing Solid Waste Management, Section 010.465)

010.1135 READY-TO-EAT

Means food in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer, and that is reasonably expected to be consumed in that form.

010.114 RECOGNIZED EXAMINATION

Means the CFP's acknowledgement that a Food Protection Manager Certification Examination has been reviewed by an accrediting organization and determined to have met the test development and administration sections of the CFP "Standards for the Accreditation of Food Protection Manager Certification Programs."

010.115 RECONSTITUTED

Dehydrated food products recombined with water or other liquids.

010.1155 RECYCLING

The process by which salvaged materials are transformed into new products. (WCDBOH Regulations Governing Solid Waste Management Section 010.480)

010.116 RISK LEVEL I FOOD ESTABLISHMENT

Means, with respect to Section 015 of these regulations, a permitted food establishment that presents an extremely low relative risk of causing food borne illness based upon few or

no food handling operations typically implicated in food borne illness outbreaks. Risk Level I Food Establishments include those where the following operations occur:

- Prepackaged non-potentially hazardous foods (NPHF) and/or beverages are available or served;
- Any potentially hazardous foods (PHF) available are commercially prepackaged in an approved processing plant;
- Limited preparation of NPHF and beverages such as snack foods and carbonated beverages occurs; or
- Only beverages (alcoholic and non-alcoholic) and ice are served.

**Examples of Risk Level I Food Establishments may include, but are not limited to: bar-lounges, snowball stands, coffee carts, warehouses handling dry products only, convenience stores with hotdogs, nachos, etc., where no food is prepared.

010.117 RISK LEVEL II FOOD ESTABLISHMENT

Means with respect to Section 015 of these regulations, a permitted food establishment that presents a slight relative risk of causing food borne illness based upon few food handling operations typically implicated in food borne illness outbreaks. Risk Level II Food Establishments include those where the following operations occur:

- Food items are prepared, cooked and served immediately;
- PHFs are limited to one or two main items;
- Cold or hot-holding is limited to single meal service;
- Food prepared from raw ingredients requires only minimal preparation and assembly; or
- A limited menu with one or two main items is available.

** Examples of Risk Level II Food Establishments may include, but are not limited to: bakeries that serve only baked goods; convenience stores with sausage biscuits; convenience stores with soft-serve but no food preparation, ice cream shops that serve only ice cream; sandwich shops that serve only sandwiches; establishments that serve only frozen hamburger patties, hot dogs, or sausage; concessions at theaters, skating rinks, and amusement parks; re-labelers; warehouses that store PHF which require temperature control; small child care centers with limited food preparation, and elementary school kitchens that heat, cook and/or re-thermalize prepackaged foods from approved sources.

010.118 RISK LEVEL III FOOD ESTABLISHMENT

Means, with respect to Section 015 of these regulations, a permitted food establishment that presents a medium relative risk of causing food borne illness based on several food handling operations typically implicated in food borne outbreaks. Risk Level III Food Establishments include those where the following operations occur:

- Preparation including cooking, cooling, and reheating of PHF, is limited to two to three menu items;

- Advanced preparation is limited to two to three PHF;
- Retail food operations, including deli and seafood departments;
- Cold and hot-holding of foods; or
- Wholesale processing of NPHF.

**Examples of Risk Level III Food Establishments may include, but are not limited to: fast food restaurants; seafood markets that steam shellfish and prepare seafood salads; middle and high school kitchens; child care facilities preparing complex meals; independent operations with little holdover or next-day service; restaurants in hotels; repackers; wholesale processors of NPHF, such as commercial bakeries; and, manufacturers of jellies, jams, spices and/or dry mixes.

010.119 RISK LEVEL IV FOOD ESTABLISHMENT

Means with respect to Section 015 of these regulations, a permitted food establishment that presents a significant risk of causing food borne illness based on the large number of food processing and handling operations typically implicated in food borne outbreaks and/or populations served by the establishment. Risk Level IV Food Establishments include those where the following operations occur:

- Extensive handling of raw ingredients;
- Preparation processes that include cooling, cooking and reheating of PHF;
- Processes which require cold and hot-holding of PHF;
- Advance preparation of PHF for next day service;
- Facilities whose primary service is to the immune-compromised; or
- Wholesale processors of PHF, such as sandwich manufacturers.

**Examples of Risk Level IV Food Establishments may include, but are not limited to: any of the restaurant chains in Risk Level III that have a hot/cold buffet/bar, large deli's, major supermarkets, large independent restaurants serving varied menu items, buffet chains, major hotel/casino restaurants and buffets, nursing homes, hospitals, major restaurant chains, truck stops with full-service menus and wholesale processors of PHF.

010.1195 RISK LEVEL V FOOD ESTABLISHMENT

Means, with respect to Section 015 of these regulations, a permitted food establishment that presents a high risk of causing food borne illness based on the large number of food handling operations typically implicated in food borne outbreaks and/or the type of population served by the establishment. Risk Level V Food Establishments include those where the following operations occur:

- Extensive handling of large volumes of raw potentially hazardous ingredients;
- Extended hours of food preparation activities;
- Establishments that conduct vacuum packaging or oxygen reduction packaging;

- PHF are prepared for off-premises serving, for which time and temperature requirements during transportation, holding and service are relevant; and
- Complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations.

** Risk Level V Food Establishments may include but are not limited to: large continuous operation buffets in large casinos, large food operations open 24 hours a day, major hospitals, or processors of PHF requiring HACCP plans or equivalent such as seafood processors and low acid canneries.

010.120 SAFE MATERIALS

Articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component in or otherwise affecting the characteristics of any food.

010.125 SAFE TEMPERATURES

Temperatures of 40°F (4.44°C) or below and 140° (60° C) and above for the transport or storage of potentially hazardous foods.

010.126 SAMPLE VENDOR

A vendor operating a Temporary Food Establishment in which samples of food are prepared and distributed in individual portions.

010.130 SANITIZE

Bactericidal treatment of cleaned surfaces of equipment and utensils by a process which has been approved by the Health Authority as being effective in destroying microorganisms, including pathogens.

010.135 SEALED

Free of cracks or other openings, which permit the entry or passage of moisture.

010.137 SELF SERVICE MOBILE UNIT

Any mobile food unit dispensing prepackaged food and hot beverages only.

010.138 SEWAGE

Means a combination of the liquid and water-carried wastes from any building or plumbing fixture together with such groundwater, surface water and storm water as may be present. Water carried wastes, include but are not limited to, excrement and liquid wastes from kitchens, water closets, laundries, portable or non-sewered toilets and holding tanks.

010.140 SINGLE-SERVICE ARTICLES

Cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, place mats, doilies, wrapping material and all other similar articles which are constructed wholly from safe material such as, but not limited to, paper, paperboard, molded pulp, foil, wood, plastic, synthetic or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public as being for single usage only and then discarded.

010.142 SOLID WASTE

Means all putrescible and nonputrescible refuse in solid or semisolid form, including, but not limited to, garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals, demolition waste, construction waste, solid or semisolid commercial and industrial waste. The term does not include hazardous waste managed pursuant to NRS 459.400 to 459.600, inclusive. (NRS 444.490)

010.143 SPECIAL EVENT

A transitory gathering such as, but not limited to, an activity, a celebration, festival or fundraiser, which is open for patronage and participation to the general public.

010.145 SUBSTANTIAL HEALTH HAZARD

A hazard created by or resulting from the operation of a food establishment or temporary food establishment, which can injure the health of the consumer. The following, among others, are substantial health hazards:

1. Use of food from an unapproved or unknown source or food which is or may be adulterated, contaminated, or otherwise unfit for human consumption;
2. Holding of potentially hazardous food for a period longer than that necessary for preparation or service at an unsafe temperature;
3. Potentially hazardous food which is re-served after contamination or after being initially offered to consumers;
4. Improper standards of cleanliness and personal hygiene which may result in transmission of food-borne illness;
5. Improper cleaning and sanitizing of food surfaces which may result in contamination of food during preparation, storage or service thus transmitting disease organisms to consumers and employees;
6. Improper disposal of liquid waste which may result in contamination of any food, food storage area, food preparation area or area frequented by consumers or employees;
7. Failure to provide toilet and hand washing facilities which are properly designed and installed and which are accessible and convenient to use;
8. Failure to provide a supply of potable water;
9. The presence of any cross-connection or other fault in the potable water supply which may result in contamination of the water supply;
10. The presence of insects, rodents or other animals, which may result in contamination of food;
11. The presence of toxic items which may result in contamination of food or which are improperly labeled, stored or used; and
12. The lack of operational supervision by a certified food protection manager.

010.150 TABLEWARE

All eating and drinking utensils other than kitchenware and single-service articles.

010.154 TEMPERATURE MEASURING DEVICE

Means a thermometer, thermocouple, thermistor, or other device that is capable of measuring the temperature of food, air or water.

010.155 TEMPORARY FOOD SERVICE ESTABLISHMENT

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

010.160 UTENSIL

Any implement used in the storage, preparation, transportation or service of food.

010.165 WHOLESOME

In sound condition, clean, free from adulteration and otherwise suitable for use as human food.

SECTION 015

FOOD PROTECTION MANAGER TRAINING AND CERTIFICATION

Part A: GENERAL PROVISIONS

015.000 PURPOSE AND INTENT

1. Purpose

It is the purpose of this section to attain a uniform standard of training and certification in food protection management to meet the needs of a widely diverse group of individuals, organizations, and agencies interested in the certification of Food Protection Managers.

2. Intent

A. There shall be a program of Food Protection Manager Certification conducted under the direction of the Health Authority. Such a program will have as its primary goal the assurance that persons in management or supervisory positions within the food and beverage industry understand and practice proper food protection principles in their food establishments and comply with the provisions set forth in these regulations, to prevent food borne disease.

B. There shall be a program of Food Protection Instructor Certification conducted under the direction of the Health Authority. Such a program will have as its primary goal the establishment of minimum standards of competency for those individuals who conduct Food Protection Manager Training Courses, which prepare students for Food Protection Manager Certification.

PART B: CERTIFICATION OF FOOD PROTECTION MANAGERS AND FOOD PROTECTION INSTRUCTORS

015.110 FOODSERVICE MANAGER CERTIFICATE REQUIRED

All food establishments, as defined in Section 101.045 of these regulations, and issued permits by the Health Authority through June 30, 2004, shall be under the direct supervision of a certified food service manager or certified food protection manager. The certified foodservice manager or certified food protection manager may not always be physically present, but must be available via telephone communication when needed. A foodservice manager acting under the instructions and control of the certified food service manager or certified food protection manager must be present in the food establishment during all hours of operation.

1. A minimum of one (1) certified food service manager or certified food protection manager at each food establishment is required. Effective until June 30, 2004.

015.115 EXEMPTIONS

A food establishment may be exempted from the requirements of Section 015.110 of these regulations, through June 30, 2004, if:

015.117 CERTIFIED FOOD PROTECTION MANAGER REQUIRED

1. Effect July 01, 2004, every permitted food establishment as defined in Section 010.045 of these regulations, except Risk Level I Food Establishments and Temporary Food Establishments, shall be under the operational supervision of a Certified Food Protection Manager.
 - A. **Each Risk Level I Food Establishment**, as defined in Section 010.116, shall designate a person in charge that is present at the food establishment during all hours of operation.
 - B. **Each Risk Level II and Risk Level III Food Establishment**, as defined in Sections 010.117 and 010.118, shall employ a minimum of one full time Certified Food Protection Manager.
 - C. **Each Risk Level IV Food Establishment**, as defined in Section 010.019, shall employ a minimum of one full time Certified Food Protection Manager who is required to be present on the premises during all hours when high-risk food handling activities such as, but not limited to, cooking, cooling, reheating and/or extensive handling of raw foods, are being conducted. A Certified Food Protection Manager shall designate a person in charge, acting under his/her direct supervision during his/her absence, while low-risk food handling activities are being conducted.
 - D. **Each Risk Level V Food Establishment**, as defined in Section 010.1195, shall employ a minimum of one full time Certified Food Protection Manager who is present at the food establishment during all hours of operation.

015.118 SPECIAL CIRCUMSTANCE

1. Newly permitted food establishments, except Risk Level I Food Establishments and Temporary Food Establishments, shall be under the operational supervision of a Certified Food Protection Manager/Certified Foodservice Manager within 60 days from the issuance date of the permit to operate.
2. Permitted food establishments which are not in compliance with Section 015.110 or 015.117 because of employee turnover or other loss of certified personnel, shall have 60 days from date of loss of the Certified Food Protection Manager/Certified Food Service Manager to comply, provided there is documentation at the food establishment showing that a Certified Food Protection Manager/Certified Food Service Manager was employed within the last 60 days.
3. Incidental absences of the Certified Food Protection Manager/Certified Food Service Manager due to temporary illness, short errands off the premises, etc., shall not constitute a violation of this Section, provided there is documentation that a Certified Food Protection Manager/Certified Food Service Manager was scheduled to work at that time. A person in charge shall be designated to perform the food service activities under the direct supervision of a Certified Food Protection Manager/Certified Foodservice Manager during all hours when the Certified Food Protection Manager/Certified Foodservice Manager is not physically present.

4. Food Protection Manager Certificates issued by the Health Authority shall be prominently posted in the food establishment next to the permit to operate.

015.119 REQUIREMENTS FOR FOOD PROTECTION MANAGER CERTIFICATION

Food Protection Manager Certification shall be accomplished by:

1. Successfully completing a Food Protection Manager Training Course approved by the Health Authority;
2. Passage of a recognized examination; and
3. Payment of the certificate fee to the Health Authority.

015.125 FOOD PROTECTION MANAGER CERTIFICATE AND PHOTO IDENTIFICATION CARD ISSUANCE. Original Food Protection Manager Certificates.

Certificates and photo identification cards issued under this section shall:

1. Be issued only after the Health Authority has received all of the following;
 - A. An application, made in writing and on forms provided by the Health Authority for Food Protection Manager certification;
 - B. Documentation of successful completion of a Food Protection Manager Training Course or alternate method of training previously approved by the Health Authority.
 - C. Documentation of passage of a recognized examination;
 - D. A copy of the applicant's driver's license or other form of photo identification;
 - E. A current photograph of the applicant; and,
 - F. Payment of the certificate fee to the Health Authority.
2. Be issued as of the date when the applicant passed the recognized examination; and,
3. Expire five years from the date of passage of the recognized examination.

015.132 REPLACEMENT OR DUPLICATE CERTIFICATES AND PHOTO IDENTIFICATION CARDS

Replacement or duplicate certificates and photo identification cards shall:

1. Be issued after the Health Authority has:
 - A. Received an application, made in writing and on forms provided by the Health Authority;
 - B. Received payment of the certificate replacement fee;
 - C. Taken a photograph of the applicant; and

2. Be issued with the same expiration date as the original certificate and photo identification card previously issued by the Health Authority.

015.133 RECIPROACITY

1. The Health Authority may recognize similar course work and/or certificates, develop reciprocity agreements or similar approval with industry, state, or local health departments outside of this jurisdiction and approve applications for reciprocity for Food Protection Manager certification, provided that:
 - A. The course work and passage of a recognized examination was completed within five years of applying for Reciprocity for Food Protection Manager Certification with the Health Authority;
 - B. The standards for course content are essentially equivalent to Section 015.200 (C);
 - C. The reciprocal course is approved by the Health Authority in writing; and
 - D. The applicant pays the non-refundable reciprocity fee and certificate fee to the Health Authority.
2. If the Health Authority approves the applicant for reciprocity, a Food Protection Manager certificate and photo I.D. shall be issued to the applicant, which shall be valid for five years from the date of successful passage of the recognized examination. Applicants must have their photograph taken by the Health Department staff at the time of application submission.
3. Reciprocity agreements will be reviewed on an annual basis by the Health Authority.

015.134 CHANGE OF NAME OR ADDRESS

Certificate holders shall inform the Health Authority of any name or address change. Legal documentation such as marriage certificates, divorce decrees or court orders shall be provided for any change in name.

015.138 REQUIREMENTS FOR CERTIFIED FOOD PROTECTION MANAGER RECERTIFICATION

1. Certified Food Protection Managers shall have completed one of the following training and testing activities within one year prior to the expiration of their Food Protection Manager certificates:
 - A. Successful completion of an approved initial Food Protection Manager Certification Training Course as outlined in Section 015.200, of these regulations, and passage of a recognized examination;
 - B. Successful completion of an approved six-hour Food Protection Manager Recertification Training Course, as outlined in Section 015.205, and passage of a recognized examination; or
 - C. Completion of an alternative method of training, as outlined in Section 015.230, "Criteria for Alternative Methods of Training", of these regulations, previously approved by the Health Authority, and passage of a recognized examination.

2. There shall be no grace period for renewal of a Food Protection Manager Certificate. Completion of an approved training course and passage of a recognized examination must be completed no earlier than one year prior to and no later than the date of the certificate's expiration.

015.142 RENEWAL CERTIFICATE AND PHOTO IDENTIFICATION CARD ISSUANCE

Renewal certificates and photo identification cards shall be issued after the Health Authority has received all of the following:

1. An application for Food Protection Manager certificate renewal, made in writing on forms provided by the Health Authority;
2. Documentation of attending a training course or other alternate method of training, approved by the Health Authority for recertification of Certified Food Protection Managers, within one year prior to the expiration of the applicant's current certificate issued by the Health Authority;
3. Documentation of successful passage of a recognized examination within one year prior to the expiration of the applicant's current certificate issued by the Health Authority;
4. A copy of the applicant's current Food Protection Manager Certificate or photo identification card issued by the Health Authority or if the applicant does not currently hold a valid certificate issued by the Health Authority but has taken both an initial Food Protection Manager Training Course or alternative method of training previously approved by the Health Authority and passed a recognized examination within the past five years of completion of the approved recertification course and recognized examination documentation of attending an approved initial training course and passage of the CFP recognized examination;
5. Payment of the Health Authority's certificate fee (fees submitted are not refundable if not accompanied by all necessary items listed in this section); and
6. A photograph of the applicant taken by the Health Authority at the time of application submission.

015.145 RESPONSIBILITIES OF CERTIFIED FOOD PROTECTION MANAGERS AND/OR PERSONS IN CHARGE

Certified Food Protection Managers and/or designated persons in charge of food establishments shall:

1. Ensure that employees and other persons such as delivery, and maintenance and pesticide applicators entering food preparation, food storage, and warewashing areas comply with the Regulations of the Washoe County District Board of Health Governing Food Establishments;
2. Ensure that persons unnecessary to the food establishment are not allowed in the food preparation, food storage, or warewashing areas; brief visits and tours may be authorized if steps are taken to ensure that exposed food, clean equipment, utensils, linens and unwrapped single service and single-use articles are protected from contamination;
3. Be responsible for identifying food safety hazards in the day-to-day operation of the food establishment;

4. Ensure that employees are effectively cleaning their hands by routinely monitoring the employees' handwashing;
5. Develop and implement specific policies, procedures and standards aimed at preventing food borne illness;
6. Ensure that consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed, as required in Section 030.603 of these regulations, that the food is not cooked sufficiently to ensure its safety;
7. Coordinate training, supervise or direct the food preparation activities, and take corrective action as needed to protect the health of the consumer; and,
8. Conduct in-house self-inspections of daily operations on a periodic basis to see that procedures concerning food safety are being followed.

015.155 FOOD PROTECTION INSTRUCTOR CERTIFICATE REQUIRED

Any person who conducts Food Protection Manager Certification and/or Recertification Courses within the Health District or conducts courses outside of the Health District for individuals seeking certification in Washoe County, shall obtain a Food Protection Instructor Certificate issued by the Health Authority.

015.165 REQUIREMENTS FOR FOOD PROTECTION INSTRUCTOR CERTIFICATION

Food Protection Instructor Certification shall be accomplished by all of the following:

1. Successful completion of a training course for Food Protection Instructors approved by the Health Authority;
2. Passage of the Health Authority's Food Protection Instructor Examination with a final score of 75% or higher. An individual can attempt the Instructor's Examination twice. If a final score of 75% or higher is not received on the second attempt, the applicant shall take an approved training course for Food Protection Instructors again prior to retaking the Food Protection Instructor Examination;
3. Possession of a valid Food Protection Manager Certificate issued by the Health Authority;
4. Minimum experience or education prior to initial application for certification consisting of one of the following:
 - A. Two years experience as a food protection manager or food quality assurance/quality control officer with written verification from the applicant's employer;
 - B. Two years experience with a regulatory agency with work in food protection, verified in writing from the applicant's employer;
 - C. Completion of a degreed program from an accredited university or college, verified by a transcript from that educational institution, in one of the following:
 - Food Protection

- Food Science/Technology
 - Epidemiology
 - Environmental/Public Health
 - Culinary Arts
 - Hotel/Restaurant Management
 - Microbiology with an emphasis on food protection;
- D. Two years experience conducting training programs as substantiated by adult educational background or practical experience with written verification from the applicant's employer, as:
- A faculty member of a college, university, or community college;
 - A teacher in an accredited technical school, vocational school, or high school;
 - A professional trainer, or
 - A holder of a valid teaching certificate, or
- E. possession of a valid Food Protection Instructor Certificate/Foodservice Sanitation Instructor Certificate issued to the applicant by the Health Authority, prior to the effective date of these regulations; and
5. payment of the required fees to the Health Authority.

015.168

FOOD PROTECTION INSTRUCTOR CERTIFICATE AND PHOTO IDENTIFICATION CARD ISSUANCE. Original Food Protection Instructor Certificate Issuance.

Certificates and photo identification cards under this section shall:

1. be issued only after the Health Authority has received all of the following:
 - A. an application, in writing and on forms provided by the Health Authority, for Food Protection Instructor Certification which shall contain the following information:
 1. Applicant's full name, mailing address, business and home phone numbers, and employer;
 2. A statement indicating food industry work experiences, training/teaching experience, or regulatory work experience; and the names, addresses and phone numbers of three references to verify employment and/or educational experiences; and
 3. A statement initialed by the applicant agreeing to comply with Section 015 of these regulations;

- B. A copy of the applicant's valid Food Protection Manager Certificate/Foodservice Manager Certificate;
 - C. A copy of the applicant's course curriculum and/or syllabus for the Food Protection Manager Certification Course to be conducted, which shall meet the requirements set forth in Section 015.200(C) of these regulations and approved by the Health Authority;
 - D. Documentation showing successful completion of an approved course for the certification of Food Protection Instructors with course content and elements of knowledge as outlined in Section 015.305(A);
 - E. Documentation showing successful passage of the Health Authority's Food Protection Instructor examination;
 - F. A copy of the applicant's driver's license or other form of photo identification;
 - G. Payment of the certificate fee to the Health Authority; and
 - H. A current photograph of the applicant to be taken by the Health Authority at the time of application submission;
2. Be issued as of the date when the applicant successfully passed the Health Authority's Food Protection Instructor examination; and
 3. Expire five years from the date of passage of the Food Protection Instructor Examination. Certificates will be valid for five years unless revoked as set forth in Section 015.400 (A) of these regulations.

015.175 REPLACEMENT OR DUPLICATE FOOD PROTECTION INSTRUCTOR CERTIFICATES AND PHOTO IDENTIFICATION CARDS

Replacement or duplicate certificates and photo identification cards shall:

1. Be issued after the Health Authority has received all of the following:
 - A. An application made in writing and on forms provided by the Health Authority,
 - B. Payment of the certificate replacement fee; and
 - C. A current photograph of the applicant taken by the Health Authority at the time of application submission; and,
2. Be issued with the same expiration date as the original Food Protection Instructor Certificate/Foodservice Sanitation Instructor Certificate and photo identification card, previously issued by the Health Authority.

015.180 REQUIREMENTS FOR CERTIFIED FOOD PROTECTION INSTRUCTOR RECERTIFICATION

1. All Certified Food Protection Instructors shall complete at least 16 hours of continuing education every five years for recertification. The continuing education hours may cover, but are not limited to, the following subject areas:
 - A. Updates in Food Safety and Sanitation;

- B. HACCP Concepts;
 - C. Effective Communication Skills and Interpersonal Relationships;
 - D. Needs Assessing;
 - E. Designing, Preparing, Delivering and Evaluation of Training Programs; and
 - F. Evaluation and Results Application.
2. The following are examples of documentation of attendance and completion of continuing education hours:
 - A. A college transcript with course description;
 - B. A certificate of completion of a course with a course description;
 - C. Documentation of continuing education contact hours for training from a professional organization; or
 3. A course subject outline with written verification of attendance from the course instructor;
 4. When an instructor has not completed 16 hours of continuing education contact hours prior to the certificate's expiration, reapplication shall require compliance with Section 015.165 and 015.168 of the initial Food Protection Instructor certification process.

**015.185 CERTIFIED FOOD PROTECTION INSTRUCTOR RENEWAL
Certificate and Photo Identification Card Issuance**

Renewal certificates and photo identification cards shall be issued after the Health Authority has received all of the following:

1. An application for Food Protection Instructor certificate renewal, made in writing and on forms provided by the Health Authority;
2. Documentation of hours of continuing education, as outlined in Section 015.180 (A) and (B);
3. Current syllabus and/or course curriculum for food protection manager certification and/or recertification courses, to be conducted as previously approved by the Health Authority;
4. Payment of the Health Authority's Food Protection Instructor Recertification Fee; and
5. A photograph of the applicant, to be taken by the Health Authority at the time of application submission.

015.190 RESPONSIBILITIES OF CERTIFIED FOOD PROTECTION INSTRUCTORS

1. The Certified Food Protection Instructor shall:

- A. Submit to the Health Authority a class schedule including times, dates and location(s), no later than two weeks prior to the start of each class to be conducted;
 - B. Maintain documentation for a minimum of one year, to be reviewed by the Health Authority upon request, verifying hours of contact time for each individual attending each class and to ensure that each individual taking the recognized examination has attended at least 16 hours of contact time prior to sitting for the examination;
 - C. Within 30 working days of proctoring a recognized examination, submit class enrollment information including each candidate's name, official documentation of candidate examination results from the certification organization showing passing/failing scores, date of examination and names of approved instructors, test administrators, and/or proctors/monitors;
 - D. Use the course syllabus previously filed with and approved by the Health Authority (any syllabus content revision shall be sent to the Health Authority for approval prior to use); and,
 - E. Follow all protocols set forth by the certification organization for the administration and security of recognized examinations.
2. The Health Authority shall monitor the performance of all Certified Food Protection Instructors and reserve the right to audit examination administrators, proctors, and monitors to verify security measures and compliance with these regulations.

**Part C: REQUIREMENTS FOR FOOD PROTECTION
MANAGER AND FOOD PROTECTION INSTRUCTOR
TRAINING COURSES. ADMINISTRATION OF
RECOGNIZED EXAMINATIONS**

015.200

CRITERIA FOR COURSE CONTENT FOR THE CERTIFICATION OF FOOD PROTECTION MANAGERS. Requirements for Initial Food Protection Manager Certification Course

1. A Certified Food Protection Instructor/Certified Food Service Sanitation Instructor shall conduct only courses approved by the Health Authority.
2. Each Food Protection Manager Certification Course shall meet the standards for content and length of training, and must be based on:
 - A. The "Standards for Accreditation of Food Protection Manager Certification Programs", Annex B (B.5), developed by the Conference for Food Protection;
 - B. The "Washoe County District Board of Health Regulations Governing Food Establishments"; and,
 - C. The current edition of the Food and Drug Administration's "Model Food Code".

3. **Subject Area—Core Competencies, Elements of Knowledge, Content, Contact Hours.**

The core competencies, elements of knowledge, course content and minimum contact hours of training to be achieved are as follows:

A. Identify food borne illness: 2 hours

1. Define terms associated with food borne illness;
 - Food borne outbreak
 - Food borne illness
 - Food borne infection
 - Food borne intoxication
 - Diseases communicated by food
 - Food borne pathogens
2. Recognize the major microorganisms and toxins that can contaminate food and the problems associated with the contamination:
 - Bacteria
 - Viruses
 - Parasites
 - Fungi
3. Define and recognize potentially hazardous foods.
4. Define and recognize chemical and physical contamination and the illnesses that can be associated with these types of contamination.
5. Define and recognize the major contributing factors for food borne illness.
6. Recognize how microorganisms cause food borne illness.

B. Identify time/temperature relationships with food borne illness. 2 hours

1. Recognize the relationship between time/temperature and microorganisms (survival, growth, toxin production and spore development) during the follow stages:
 - Receiving
 - Storage
 - Thawing

- Cooking
 - Holding/displaying
 - Serving
 - Cooling
 - Post-production storage
 - Reheating
 - Transporting
2. Describe the use of thermometers in monitoring food temperatures:
- Types of thermometers
 - Techniques and frequency
 - Calibration and frequency
- C. Describe the relationship between personal hygiene and food safety. 2 hours
1. Recognize the association of hand contact and food borne illness:
- Hand washing technique and frequency
 - Proper use of gloves, including replacement frequency
 - Minimal hand contact with food
2. Recognize the association of personal habits and behaviors with food borne illness:
- Smoking
 - Eating and drinking
 - Wearing clothing that may contaminate food
 - Personal behaviors, including sneezing, coughing, etc.
3. Recognize the association of food handler health and food borne illness:
- Free of symptoms of communicable disease
 - Free of infections spread through food on contact
 - Food protected from contact with open wounds

4. Recognize how policies, procedures and management contribute to improving food hygiene practices.
- D. Describe methods for preventing food contamination from purchasing to serving. 2 hours
1. Define terms associated with contamination:
 - Contamination
 - Adulteration
 - Damage
 - Approved source
 - Sound and safe condition
 2. Identify potential hazards prior to delivery and during delivery of foods:
 - Approved source
 - Sound and safe conditions
 3. Identify potential hazards and methods to minimize or eliminate hazards after delivery:
 - Personal hygiene
 - Cross-contamination including food to food and equipment and utensil contamination
 - Types of chemical, physical and additive contamination
 - Service/display and customer contamination
 - Storage
 - Re-Service
- E. Recognize the principles of HACCP. 2 hours
1. Define HACCP
 2. Identify the seven steps in developing a HACCP Plan
 3. Recognize the importance of prerequisite programs for successful implementation of a HACCP System
 4. Develop and implement a successful HACCP System
- F. Identify and apply correct procedures for cleaning and sanitizing equipment and utensils. 2 hours
1. Define terms associated with cleaning and sanitizing

2. Apply principles of cleaning and sanitizing
 3. Identify materials, equipment, detergents, and sanitizers
 4. Apply appropriate methods of cleaning and sanitizing
 - Manual warewashing
 - Mechanical warewashing
 - Clean-in-place
 5. Identify frequency of cleaning and sanitizing
- G. Recognize problems associated with facility design, equipment selection and layout and potential solutions for correction: 1 hour
1. Identify facility design and construction practices suitable for food establishments;
 - Refrigeration
 - Heating and hot-holding
 - Floors, walls and ceilings
 - Pest control
 - Lighting
 - Plumbing
 - Ventilation
 - Water supply
 - Waste water disposal
 - Waste disposal
 - Sneeze guard installation
- H. Recognize problems and potential solutions associated with temperature control, preventing cross-contamination, house-keeping and maintenance: 2 hours
1. Develop and implement employee food protection training programs.
 2. Develop and implement a self-inspection program.
 3. Develop and implement an equipment and facility maintenance program.

4. Develop and implement cleaning schedules and procedures.
- I. Identify codes and regulations related to food establishments: 1 hour
1. Public Health Codes and Regulations:
 - The Nevada Revised Statutes Chapters 446 and 439.200 and Nevada Administrative Code, Chapters 446.010 thru 446.960;
 - The Regulations of the Washoe County District Board of Health Governing Food Establishments; and
 - The Food and Drug Administration's Model Food Code
 2. The Health Authority's Food Establishment Inspection Report and its use as a tool in the food establishment's food protection program.

015.205 CRITERIA FOR COURSE CONTENT FOR RECERTIFICATION OF CERTIFIED FOOD PROTECTION MANAGERS.

1. A Certified Food Protection Instructor shall conduct only recertification courses approved by the Health Authority.
2. Recertification courses for Certified Food Protection Manager certificate renewal shall contain the minimum elements of knowledge and course content set forth in Subsection C below. Six (6) hours of contact time is required for recertification courses, excluding the proctoring of a recognized examination.
3. **Subject Area—Core Competencies, Elements of Knowledge, Content.**
 - A. Identify the main causal factors for food borne illness:
 1. Recognize the sources of microbial contamination (raw food, food handler, water supply, and pests) and identify ways to minimize the risks associated with biological contamination.
 2. Recognize the major microorganisms and toxins that can contaminate food, and their origin.
 3. Recognize the differences between biological, chemical, and physical contamination hazards, and identify methods for checking and preventing the risks associated with each type of hazard.
 4. Define, recognize and identify potentially hazardous food(s).
 5. Recognize the types of contamination and implement prevention methods such as:
 - a) Separating raw from cooked and ready-to-eat foods.
 - b) Separating and storing different types of raw animal foods.
 - c) Washing hands after touching raw foods.

- d) Washing, rinsing, and sanitizing equipment and utensils between raw and ready-to-eat food handling.
- B. Identify the environmental factors needed for bacterial growth:
- 1. Recognize how environmental factors can be used as barriers to growth of microorganisms;
 - 2. Recognize the relationship between time/temperature and microorganism survival, growth, toxin production and spore development; and,
 - 3. Identify conditions in the flow of food that could lead to the growth and development of microorganisms and develop procedures to eliminate or change inappropriate food handling practices.
- C. Define HACCP and identify the seven steps in developing a HACCP Plan:
- 1. Recognize hazards in the flow of food;
 - 2. Identify critical control points in the flow of food;
 - 3. Develop and apply critical limits for critical control points;
 - 4. Develop and apply a system to monitor critical control points;
 - 5. Recognize situations when critical limits are exceeded and implement appropriate corrective actions;
 - 6. Develop and implement a record-keeping system; and,
 - 7. Implement a self-inspection program to verify that a HACCP system works.
- D. Develop a complete HACCP Plan for the preparation of a specific potentially hazardous food.
- E. Recognize standard operating procedures (SOPs) and their importance in the successful implementation of a HACCP System.
- 1. Describe the uses of thermometers.
 - a) Identify various types used in food establishments.
 - b) Recognize the importance of accurate recording of times and temperatures.
 - 2. Identify and apply correct procedures for cleaning and sanitizing of food contact surfaces and equipment.
 - a) Identify materials, equipment, detergents, cleaners and sanitizers used in food establishments.
 - b) Identify and apply cleaning and sanitizing methods at appropriate frequencies.

3. Describe the relationship between personal hygiene and food safety.
 - a) Recognize the importance of frequent, thorough and proper hand washing in reducing the risk of food borne illness.
 - b) Describe ways to minimize hand contact with food.
 - c) Recognize the importance of proper glove use.
 - d) Identify personal hygiene behaviors at each stage in the flow of food, and implement and enforce strict personal hygiene policies.
 - e) Recognize the importance of requiring employees to report health problems and apply appropriate actions to reduce the risk of contamination by ill employees.

4. Identify the steps in the flow of food and recognize the importance of implementing SOPs at each step.
 - a) Purchasing Specifications
 - b) Receiving and Storage/Shellfish Tags/Certificates of Conformance
 - c) Preparation/Thawing/Time-Temperature Control
 - d) Cooking Temperatures
 - e) Cold and Hot-Holding
 - f) Cooling
 - g) Reheating

- F. Recognize problems and apply appropriate solutions associated with time/temperature control, preventing cross-contamination, housekeeping and maintenance.
 1. Develop and implement employee food protection training programs.
 2. Develop and implement a self-inspection program for a food establishment.
 3. Development and implement cleaning procedures and schedules.
 4. Develop and implement an equipment and facility maintenance program.

- G. Recognize the codes and regulations related to food establishments.
 1. Identify amendments and updates to the FDA Model Food Code.
 2. Identify amendments and updates to the Nevada Revised Statutes and the Nevada Administrative Code pertaining to food establishments.
 3. Identify amendments to The Regulations of the Washoe County District Board of Health Governing Food Establishments.

- H. Identify the Health Authority's Food Inspection Reports and recognize their importance as an assessment tool to implement appropriate changes in food protection practices.

015.210 MAKE-UP WORK

1. Make-up work shall be reserved for extraordinary situations such as illness, family death, and other emergency situations. Its use shall be reviewed on a case-by-case basis and approved by the Certified Food Protection Instructor prior to the student taking the recognized exam.
2. The documentation requirement set forth in Section 015.190(A)(2) must reflect make-up work contact time, subjects missed during class, and the subjects covered during the make-up session.

015.220 HOME STUDY

Home study, other than make-up work as described in Section 015.210, shall not be approved by the Health Authority unless it meets the criteria set forth in Section 015.230 of these regulations.

015.230 CRITERIA FOR ALTERNATIVE METHODS OF TRAINING

Alternative methods of training such as, but not limited to, interactive computer programs, interactive videos, correspondence courses or distance learning may be approved by the Health Authority for purposes of certifying or recertifying Food Protection Managers, if the provider/developer/sponsor of the training submits the following information to the Health Authority for approval prior to use:

1. Documentation that the training course is:
 - A. Equivalent to the subject area, elements of knowledge, and content described in Section 015.200 (C); and
 - B. Based on a psychometrically valid job analysis developed by personnel that include qualified test development specialists and a representative group of individuals with significant experience in food protection management. The job analysis study must be used as the basis for examination development, which ultimately shall be recognized by the Conference for Food Protection.
2. Documentation that applicants for certification or recertification have successfully participated in a Food Protection Manager Training Program which provides the knowledge and skills in food protection management necessary to implement the elements of knowledge and content in Section 015.200(C) of these regulations.
3. The Health Authority reserves the right to evaluate the effectiveness of the alternative method of training. Approval may be revoked if the Health Authority determines that the alternative method of training is not effective in preparing applicants to pass a recognized Food Protection Manager Certification Examination and/or implement proper food protection policies, procedures or standards in food establishments.

015.240 COURSE DENIAL

Approval of a Food Protection Manager Certification Course shall be cancelled based on performance of the students taking recognized examinations. A failure rate of 33% or higher of the participants in two consecutive classes or in three out of five classes shall be

grounds for course disapproval. The Health Authority will work closely with each new instructor and assist any instructor with course review or presentation techniques when a second, high failure class is noted.

015.250 ADMINISTRATION OF RECOGNIZED EXAMINATIONS

1. Recognized examinations administered by an accredited certification organization shall comply fully with all criteria set by the CFP and must meet explicit and implicit standards to protect the public from food borne illness.
 - A. Certifying organizations must provide each test administrator with a manual detailing the requirements for all aspects of the examination administration process.
2. Certified Food Protection Instructors, examination administrators, proctors and monitors shall administer recognized examinations in a manner that maximizes the security of the examinations and insures that no one other than examinees see the contents of the booklet or alternative testing medium. Examination administrators, Certified Food Protection Instructors, proctors and monitors shall not be authorized to view the examination questions.
3. Special Accommodations
 - A. Where special accommodations must be made for otherwise qualified candidates under provisions of the Americans with Disabilities Act, arrangements must be such that the examination contents are not revealed to any test administration personnel with any conflict of interest.
 - B. An individual who speaks English as a secondary language may use a dictionary or other approved method of translation which translates English to the native language.

015.260 EXAMINATION ADMINISTRATORS

1. Examination administrators shall be responsible for the organization and administration of all examination site activities and procedures, for the accurate identification of each examinee, and supervision of the activities of monitors and proctors. Certified Food Protection Instructors may serve in the role of a test administrator and must recognize the difference between their role as Instructor and Examination Administrator.
2. Monitors/Proctors shall work under the direction of the examination administrator, and must have the ability to observe examinee behaviors, accurately distribute and collect test materials, and assist the examination administrator as assigned. There shall be no less than one examination administrator/proctor/monitor per thirty-five (35) examinees.
3. Examination administrators shall provide sites for administration of recognized examinations that conform to all legal requirements for safety, health, and accessibility for all qualified candidates. All sites must provide sufficient spacing between examinees in the area in which the examination is conducted or other appropriate and effective methods, to preclude any examinee from viewing another examinee's examination.

015.270 CHEATING

1. An individual determined to have cheated on a recognized examination shall not be entitled to certification. The individual must retake an approved course before the recognized examination again.
2. An individual determined to have cheated on the Food Protection Instructor's examination shall not be certified as a Food Protection Instructor.

015.280 RETAKES OF RECOGNIZED EXAMINATIONS

1. An individual who fails to pass a recognized examination may be retested after the expiration of 10 working days from the date of taking the examination.
2. An individual may only retake the recognized examination twice. If the individual does not pass the exam after three attempts, it will be necessary to take an approved Food Protection Manager Certification Course prior to taking the examination. All attempts at retaking the examination must be completed within 120 days of completing the approved course.

015.305 CRITERIA FOR COURSE CONTENT FOR THE CERTIFICATION OF FOOD PROTECTION INSTRUCTORS

Applicants seeking Food Protection Instructor certification shall successfully complete an approved eight-hour course on the Principles of Training and Development. The course must include, but not be limited to, the following minimum elements of knowledge and content:

1. **Subject Area-Core Competencies, Specific Elements of Knowledge, Content**
 - A. Identify an Instructional Development Model.
 1. Identify the three major steps in designing a training course.
 2. Define needs assessment and identify ways to conduct needs assessments.
 3. Recognize the association between needs assessments, behavioral objectives, and job performance.
 - B. Identify characteristics that influence the design and/or delivery of instruction.
 1. Specify how these factors may impact the design of an instructional program.
 2. Describe the environmental factors, which affect how learning will occur.
 3. Recognize the characteristics of adult learners.
 4. Identify the characteristics of a target population and describe how they affect the design and delivery of a training program.
 5. Describe how learning objectives specify what the learner will be able to do as a result of instruction.
 - C. Identify the role of the trainer.

1. Recognize trainer responsibilities and describe the activities associated with the following:
 - Preparing to Train
 - Training
 - Evaluating the Results to Training

- D. Recognize the three elements of instruction: an introduction, teaching/learning activities, and practice and feedback.
 1. Describe how the three elements of instruction work together to facilitate learning and produce the desired change in performance.
 2. Identify the components of a lesson plan.
 3. Identify alternatives to lectures and/or training tools used in designing an instruction program.

- E. Describe ways in which evaluations can be used to determine whether training objectives have been met and whether training will be transferred to the job.

- F. Apply the components of the Instructional Development Model and develop a Food Protection Manager Training Program designed to prepare food service managers for certification in food protection.

Part D: ENFORCEMENT

015.400 ENFORCEMENT ACTIONS

1. **Certificate Revocation**
 - A. Any Food Protection Manager Certificate, Food Protection Instructor Certificate, may be revoked by the Health Authority when the holder of the certificate repeatedly fails to comply with the Regulations of the Washoe County District Board of Health Governing Food Establishments. Prior to revocation, the holder of the certificate shall be given the opportunity for a hearing before the Food Protection Hearing and Advisory Board, as outlined in Section 190.800 of these regulations.

2. **Other Enforcement Actions**
 - A. Mandatory retraining and/or certification may be required for Certified Food Protection Managers employed in food establishments where there is displayed an inability to maintain safe and sanitary food handling practices as demonstrated by the occurrence of food borne illnesses, substantial health hazards, or other factors increasing the risk to consumers.
 1. The Health Authority may require employees of a food establishment with a history of repeated violations of these regulations, to attend an approved training program in food protection principles.

- B. If, during any inspection conducted by the Health Authority, a food establishment is found not operating in compliance with Sections 015.110, 015.115, 015.117 or 015.118, the permit holder shall be:
 - 1. Issued a written order as part of the Notice of Violation (NRS446.895) explaining the non-compliant condition, and
 - 2. Given a written order as part of the Notice of Violation (NOV) requiring that within a 30 calendar day period from the date of the NOV;
 - a) An appropriate food employee shall successfully complete an approved Food Protection Manager Certification Course and pass a recognized examination; or
 - b) The food establishment shall hire a Certified Food Protection Manager.
- C. If a permit holder fails to comply with Section 015.400(B) (2), the District Health Officer may suspend or revoke the food establishment's health permit. Prior to suspending or revoking the health permit, the permit holder shall be notified in writing of the proposed action and the reasons for which the permit is subject to suspension or revocation. The written notice shall advise the permit holder of the requirements for filing a request for a hearing before the Food Protection Hearing and Advisory Board. The hearing will be conducted in accordance with Section 190.800 of these regulations.
- D. The Health Authority may take other appropriate enforcement actions pursuant to the provisions of these regulations.

SECTION 020

FOOD SUPPLIES

- 020.005** All food must be kept free from spoilage, filth, adulteration, misbranding and contamination and kept safe for human consumption.
- 020.010** Food must be obtained from sources that comply with all applicable laws and regulations relating to food and food handling and must be approved by the Health Authority. Food must have been protected from contamination and spoilage while in transit and during subsequent handling, packaging and storage.
- 020.015** The use of food in hermetically sealed containers that was not prepared in an approved processing establishment is prohibited.
- 020.020** Bulk foods, once transferred from the original container to another acceptable container, must be properly labeled by common name unless the food is unmistakably identifiable.
- 020.025** Fluid milk and fluid milk products used or served must be pasteurized and must meet the quality standards established by all applicable laws and regulations.
- 020.030** Dry milk and dry milk products must be made of pasteurized milk and milk products.
- 020.035** All frozen desserts such as ice cream, soft frozen desserts, ice milk, sherbet, ices and mixes must meet the quality standards established therefore by all applicable laws and regulations.
- 020.040** Fresh and frozen shucked shellfish (oysters, clams or mussels) must be packed in non-returnable packages identified with the name and address of the original shell stock processor, shucker-packer, or re-packer, and the interstate certification number issued according to law. Shell stock and shucked shellfish must be kept in the container in which they were received until they are used.
- 020.045** Each container of unshucked shell stock (oysters, clams or mussels) must be identified by an attached tag that states the name and address of the original shell stock processor, the kind and quality of shell stock, and the interstate certification number issued by the state or foreign shellfish control agency.
- 020.050** Only clean whole eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen or dry eggs or pasteurized dry egg products may be used, except that hard-boiled, peeled eggs, commercially prepared and packaged, may be used.
- 020.055** All meat and meat products and poultry and poultry products used in a food establishment must have been properly labeled and inspected for wholesomeness under an official state or federal regulatory program.

SECTION 030

FOOD PROTECTION

030.010 General

030.015 At all times, including while being stored, prepared, displayed, served or transported, food must be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flood, drainage, overhead leakage or overhead drippage from condensation; and any other source. Potentially hazardous food must be kept at a safe temperature at all times, except as otherwise provided for herein.

030.100 Emergency Occurrences

030.105 In the event of emergency occurrences such as fire, flood, power outages or similar event that might result in contamination of food, or that might prevent potentially hazardous food from being kept at a safe temperature, the person in charge must immediately contact the Health Authority. Upon receiving notice of this occurrence, the Health Authority may take whatever action deemed necessary to protect the public health.

030.200 Food Storage

030.205 Food, whether raw or prepared, if removed from the container or package in which it was obtained, must be stored in a clean covered container except during necessary periods of preparation and service.

030.210 Container covers must be impervious and non-absorbent, except that clean linens, fabric napkins or single-service paper napkins may be used for lining or covering baked bread or roll containers.

030.215 Solid cuts of meat must be protected by being covered in storage, except that sides, quarters or other cuts of meat may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat. Meat must not be stored in direct contact with shelves.

030.220 Containers of food must be stored a minimum of six (6) inches above the floor in a manner that protects the food from splash and other contamination and that permits easy cleaning of the storage area floor with the following exceptions:

1. Metal, pressurized, beverage containers and cased food packaged in cans, glass or plastic containers need not be elevated when the food container is not exposed to floor moisture.
2. Containers may be stored on dollies, racks or pallets, provided such equipment is easily movable.
3. Food and containers of food must not be stored under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.
4. The storage of food in toilet rooms or vestibules is prohibited.
5. Food not subject to further washing or cooking before serving must be covered while stored and placed above or physically away from food requiring washing or cooking.

6. Packaged foods must not be stored in contact with water or undrained ice. However, packaged food in impervious metal or glass containers or single-service containers of liquid milk for immediate use may be stored in drained ice. Wrapped sandwiches and similarly wrapped foods must be stored in direct contact with ice. Ice substitutes, consisting of frozen chemicals, may be used only if the container is leak proof.

030.225 Commercially prepared sandwiches (a) not made to order, or (b) not prepared for immediate sale to a consumer, must meet the following requirements:

1. Each sandwich must be individually wrapped and sealed with an approved food wrap material.
2. Wrapped sandwiches may contain only sandwich ingredients. All necessary labels or condiment containers must be made of clean, safe materials.
3. A label specifying the name and address of the food establishment where the sandwich was prepared must be firmly affixed to each sandwich. A list of all ingredients, starting with the ingredient with the largest quantity and continuing the list in descending order, according to the amount of the ingredient, must be included on the label.

030.300 Refrigerated Storage

030.305 Sufficient, conveniently located, refrigeration facilities or effectively insulated equipment must be provided to assure the maintenance of potentially hazardous food at a safe temperature during storage.

030.310 Each refrigerated facility storing potentially hazardous food must be provided with a numerically scaled indicating thermometer, or recording thermometer, accurate to + or -2°F (+ or - 1° C). The thermometer must be positioned to measure the air temperature in the warmest part of the facility and positioned to be easily read.

030.315 Potentially hazardous food, requiring refrigeration after preparation, must be rapidly cooled to a safe internal temperature by utilizing, if necessary, such methods as shallow pans, agitation, quick chilling or water circulation external to the food container. The cooling period must not exceed 4 hours.

030.020 If potentially hazardous food is to be chilled and transported, it must be pre-chilled and kept at a safe temperature.

030.325 Frozen food must be kept frozen and should be stored at a temperature of 0° F (-18°C) or below.

030.330 Ice intended for human consumption must not be used as a medium for cooling stored food, food containers or food utensils, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head.

030.400 Hot Storage

030.405 Sufficient, conveniently located, hot food storage facilities must be provided to assure the maintenance of food at a safe temperature during storage.

030.410 Each hot food facility storing potentially hazardous food must be provided with a numerically scaled indicating thermometer, or recording thermometer, accurate to + or - 2° F (+ or - 1°C). The thermometer must be positioned to measure the air temperature in the coolest part of the facility and positioned to be easily readable.

- 030.415** Where it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.
- 030.420** Potentially hazardous foods, when heated, must be kept at a safe temperature during periods of transportation or holding.
- 030.500** **Food Preparation**
- 030.505** Food must be prepared with the least possible manual contact, with suitable utensils and on surfaces that have been cleaned, rinsed and sanitized before use.
- 030.510** Raw fruits and vegetables must be thoroughly washed with potable water before being cooked or served.
- 030.515** Potentially hazardous foods, requiring cooking, must be cooked to heat all parts of the food to a safe temperature with the following exceptions:
1. Poultry, poultry stuffing, stuffed meats and stuffing containing meat must be cooked to heat all parts of the food to at least 165° F (74° C) with no interruption of the cooking process.
 2. Pork and any food containing pork must be cooked to heat all parts of the food to at least 150°F (66°C).
 3. Whole, unsliced cuts of roast beef, when so ordered by the consumer, may be cooked at an internal temperature of at least 130°F (54°C).
- 030.520** Reconstituted dry milk and dry milk products may be used in instant desserts and whipped products or for cooking and baking purposes only.
- 030.530** Potentially hazardous foods that have been cooked and refrigerated must be reheated rapidly to an internal temperature of 165°F (74°C) or higher before being served or before being placed in a hot food holding facility. Steam tables, bainmaries, warmers, crockpots and similar hot food holding facilities are prohibited for the reheating of potentially hazardous foods.
- 030.535** Nondairy creaming, whitening or whipping agents may be reconstituted on the premises and stored in sanitized, covered containers not exceeding one gallon in capacity and cooled to a safe temperature not later than four (4) hours after preparation.
- 030.540** Metal, stem-type, numerically scaled, indicating thermometers, accurate to + or -2°F (+ or -1°C) must be provided and used to assure the attainment and maintenance of proper internal cooking, holding or refrigeration temperatures of all potentially hazardous foods.
- 030.545** Frozen, potentially hazardous foods must be thawed by one of the following methods:
1. In refrigerated units at a safe temperature;
 2. Under potable, running water with a temperature of 70° F (21°C), or below, and with sufficient water velocity to agitate and float off loose food particles into the overflow;
 3. In a microwave oven if, the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process, or when the entire uninterrupted cooking process takes place in the microwave oven.

4. As part of the conventional cooking process.

030.600 Food Display and Service

030.603 Consumer Advisory

1. Effective July 01, 2004, if a food establishment offers any raw, undercooked or otherwise “not processed to eliminate pathogens” animal foods (such as, meat, poultry, eggs, milk, seafood, or shellfish) in ready-to-eat form or offers any ready-to-eat food containing animal foods as a raw ingredient, the food establishment shall advise consumers, in written form, of the presence of such raw or undercooked animal food and advise consumers of the increased health risk associated with consuming such foods in the raw or undercooked state, especially if serving or providing food to populations with sensitive medical conditions.
 - A. If entrees or menu items contain raw, undercooked or not “otherwise processed to eliminate pathogens” animal foods, e.g., steak tartar, sushi, or Caesar salad containing unpasteurized eggs, the consumer advisory shall clearly identify the food item that contains the raw, undercooked animal food.
 - B. If the food establishment does not routinely offer entrees or menu items containing raw, undercooked or not “otherwise processed to eliminate pathogens” animal foods, but serves undercooked meats, eggs or seafood upon the request of the consumer/patron, a general consumer advisory shall be provided. This advisory does not need to identify the food item that a consumer might request in an undercooked condition.
 - C. The required consumer advisory may be in the form of a brochure, deli case or menu advisory, label statement, table tent, placard or other written notification that is visible to the patron. The advisory shall include the following:

The Washoe County District Health Department advises that eating raw, undercooked animal foods, or animal foods that are not otherwise processed to eliminate pathogens, (such as meat, poultry, eggs, milk, seafood or shellfish) poses a potential health risk to everyone, especially the elderly, young children under the age of 4 years, pregnant women, and other highly susceptible individuals with compromised immune systems. Thorough cooking or processing of foods to eliminate pathogens reduces the risk of illness.

- D. If space permits, a consumer advisory may include additional language such as the following:

For further information, contact your physician or the Washoe County District Health Department.

2. A food establishment whose primary consumers are highly susceptible individuals, such as nursing homes, hospitals, day-care centers, and nursery schools, shall not serve raw, undercooked, or not “otherwise processed to eliminate pathogens” animal foods, or ingredients.

030.605 Potentially hazardous food must be kept at a safe internal temperature during display and service, except that whole, unsliced cuts of roast beef may be held for service at an internal temperature of not less than 130°F (54°C) for a maximum of four (4) hours.

- 030.610** Milk for drinking purposes must be provided to the consumer in a single-service container or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser, except that when portions of less than ½ pint are required for mixed drinks, cereal or dessert service, milk and milk products may be poured from a commercially filled container of not more than ½ gallon capacity.
- 030.615** Cream, or “half and half”, must be provided in a single-service container, individual service container, protected pour-type pitcher or drawn from a refrigerated dispenser designed for such service.
- 030.620** Nondairy creaming or whitening agents must be provided in a single-service container, individual service container, protected pour-type pitcher or drawn from a refrigerated dispenser designed for such service.
- 030.625** Condiments, seasonings and dressing for self-service use must be provided in individual packages, from approved dispensers or from containers protected by counter protection devices.
- 030.630** Condiments provided for table or counter service must be individually portioned, except that catsup and other sauces may be served in their original containers or approved pour-type dispensers. Sugar must be provided in individual packages or in pour-type dispensers.
- 030.635** Ice for consumer use may be dispensed only by single scoops, tongs or other ice-dispensing utensils or through automatic self-service, ice dispensing equipment.
- 030.640** Ice dispensing utensils must be stored on a clean surface or in the ice with the dispensing utensil’s handle extended out of the ice. Between uses, ice transfer receptacles must be stored in such a way to protect them from contamination.
- 030.645** Ice storage bins must be drained through an air gap.
- 030.650** To avoid unnecessary manual contact with food, approved food dispensing utensils must be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils must be:
1. Stored in food with the dispensing utensil’s handles extended out of the food;
 2. Stored clean and dry; or
 3. Stored in running water.
- Dispensing scoops, spoons and dippers used in serving frozen desserts must be stored between uses in an approved running water dipper well.
- 030.655** Once served to a consumer, portions of leftover food must not be served again except that packaged food, other than potentially hazardous food, that is still packaged and still in sound condition may be re-served.
- 030.660** Food on display must be protected from consumer contamination by use of packaging or by the use of an easily cleanable counter, serving line or salad bar protective device, display case or by other approved means.
- 030.665** Sufficient hot and cold food facilities must be available to maintain potentially hazardous food on display at a safe temperature.

- 030.670** Re-use of soiled tableware by self-service consumers returning to the serving area for additional food is prohibited. A sign must be posted to notify consumers to use a clean plate each time they serve themselves. Beverage cups and glasses are exempt from this requirement.
- 030.675** Fruit or vegetables displayed or offered for sale must be placed away from all potential splash zones at a height of at least 18 inches above the floor.
- 030.700** **Food Transportation**
- 030.705** During transportation, food and food utensils must be kept in covered containers or completely wrapped or packaged so as to be protected from contamination.
- 030.710** Food in original single-service containers need not be over wrapped or covered if the container has not been torn or broken.
- 030.715** During transportation, including transportation to another location for service or catering operations, food must meet the requirements of these regulations relating to food protection and food storage.

SECTION 040

PERSONNEL

- 040.010** **Health of Food Handlers**
- 040.015** Any food handler infected with a communicable disease must be restricted in his activities to prevent the transmission of disease through food contact.
1. When the Health Authority has reasonable cause to suspect the possibility of disease transmission from any food handler of a food establishment, he shall secure a morbidity history of the suspected food handler or make such other investigation as may be indicated and take appropriate action.
 2. The Health Authority may require any or all of the following measures:
 - A. The immediate exclusion of the food handler.
 - B. The immediate closure of the food establishment concerned until, in the opinion of the Health Authority, no further danger of disease outbreak exists.
 - C. Restriction of the food handler's services to some area of the establishment where there will be no danger of transmitting disease.
 - D. Adequate medical and laboratory examinations of the food handler, or other food handlers, and of his and their body discharges. (NRS 446.935)
- 040.100** **Personal Cleanliness**
- 040.105** Food handlers must thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work or as often as is necessary to keep them clean; and after smoking, eating, drinking or using the toilet.

- 040.110** Food handlers must keep their fingernails clean and trimmed.
- 040.200** **Clothing**
- 040.205** The outer clothing of all food handlers must be clean and changed at least daily.
- 040.210** Food handlers must use effective hair restraints to prevent the contamination of food or food contact surfaces. Hair restraints include nets, caps, hats or hair spray.
- 040.215** Food handlers must maintain their hair in a neat clean condition.
- 040.220** Sideburns, beards, and mustaches must be close cropped and well groomed.
- 040.300** **Food Handler Practices**
- 040.305** Food handlers may consume food only in designated dining areas. An employee dining area may not be so designated if consuming food therein may result in contamination of other food, equipment, utensils or other items needing protection.
- 040.315** Food handlers must not use or consume tobacco or alcohol in any form while actively engaged in food preparation or service and while in areas used for equipment or utensil washing or for food preparation.
- 040.320** Food handlers may use tobacco only in designated areas. An employee tobacco-use area may not be designated for that purpose if the use of tobacco therein may result in contamination of food, equipment, utensils or other items needing protection.
- 040.325** Food handlers must handle soiled tableware in a way that minimizes contamination of their hands.
- 040.330** Food handlers must maintain a high degree of personal cleanliness and conform to good hygienic practices during all working periods in the food establishment.

SECTION 050

FOOD EQUIPMENT AND UTENSILS

- 050.010** The provisions of 050.015 through 050.550 do not apply to equipment which was installed in a food establishment before September 22, 1982, until such time as that equipment:
1. Is removed from the food establishment;
 2. Is reinstalled in the same or another food establishment; or
 3. Does not meet the requirements of these regulations regarding general repair and maintenance.
- 050.015** Multi-use equipment and utensils must be constructed and repaired with safe materials, including finishing materials, must be corrosion resistant and nonabsorbent, and must be smooth, easily cleanable, and durable under conditions of normal use.

- 050.020** Single-service articles must be made from clean, sanitary, and safe materials. Where single-service drinking containers are used extensively, dispensers must be provided to minimize handling.
- 050.025** Equipment, utensils and single-service articles must not impart odors, color or taste or contribute to the contamination of food.
- 050.030** If solder is used, it must be only of the hard type (silver solder), free of cadmium, antimony and bismuth and must be corrosion resistant.
- 050.035** Hard maple or other nonabsorbent materials which are nontoxic, smooth and free of cracks, crevices or open seams may be used for cutting boards, salad bowls, mixing spoons, bakers' tables, and as bakers' utensils for removing hot baked items from ovens.
- 050.040** The use of absorbent wood as a food contact surface is prohibited, except for single service articles such as chopsticks, stirrers or ice cream spoons.
- 050.045** Safe plastic, rubber or rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping and distortion, and are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing method are permitted for repeated use as long as they remain smooth, nonabsorbent and easily cleanable.
- 050.050** The reuse of single-service articles is prohibited.
- 050.055** All shelving located in walk-in refrigerators and freezers must be of metal or approved plastic construction with easily cleanable surfaces and completely portable in design. Dry storage shelves may be made from wood, which is or has been made liquid resistant.
- 050.100** **Design and Fabrication**
- 050.105** All equipment and utensils, including plastic-ware, must be designed and fabricated for durability under conditions of normal use and must be resistant to denting, buckling, pitting, and chipping and crazing.
- 050.110** Food contact surfaces must be easily cleanable, smooth, free of breaks, open seams, cracks, chips, pits and similar imperfections and free of difficult-to-clean internal corners and crevices. Cast iron may be used as a food contact surface if the surface is heated, such as in grills, griddle tops and skillets.
- 050.115** Pipe fittings and threads must be easily cleanable. Ordinary "V" type pipe threads are prohibited in food contact surfaces, except that in equipment such as icemakers or hot oil cooking equipment and hot oil filtering systems, such threads must be minimized.
- 050.120** Equipment containing bearings and gears requiring unsafe lubricants must be designed and constructed so that the lubricant cannot leak, drip or be forced into food or onto food contact surfaces. Only safe lubricants may be used on equipment designed to receive lubrication of bearings and gears on or within food contact surfaces.
- 050.125** Tubing conveying beverages or beverage ingredient to dispensing heads may be in contact with stored ice, provided that such tubing is fabricated from safe materials, has grommets at entry and exit points to preclude moisture (condensation) from entering the ice machine or the ice storage bin, and is kept clean.
- 050.130** Drainage or drainage tubes from dispensing units must not pass through the ice machine or the ice storage bin.

- 050.135** Sinks and drain boards must be self-draining.
- 050.140** Unless designed for in-place cleaning, food contact surfaces must be accessible for cleaning and inspection:
1. Without being disassembled;
 2. By disassembling without the use of tools; or
 3. By easy disassembling with the use of only simple tools, such as a mallet, a screwdriver or an opened end wrench kept available near the equipment.
- 050.145** Equipment intended for in-place cleaning must be so designed and fabricated that:
1. Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen;
 2. Cleaning and sanitizing solutions will contact all interior food contact surfaces; and,
 3. The system is self-draining or capable of being completely evacuated.
- 050.150** Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods must have sealed electrical wiring, switches and connections.
- 050.155** Indicating thermometers required for immersion into food or cooking meats must be of metal, stem type construction and must be numerically scaled and accurate to + or - 2° F (+ or - 1° C).
- 050.160** Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, must be designed and fabricated to be smooth, free of unnecessary ledges, projections or crevices, easily cleanable and must be of such material and in such repair as to be easily maintained in a clean and sanitary condition.
- 050.165** Ventilation hoods and devices must be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping onto food or food-contact surfaces. Filters or other grease extracting equipment must be readily removable for cleaning and replacement, if not designed to be cleaned in place.
- 050.200** **NSF Equipment**
- 050.205** Equipment contained in food establishments shall either display the seal of the National Sanitation Foundation (NSF) or conform to NSF standards where applicable, unless otherwise exempted, in writing, by the Health Authority. Installation of the equipment must also conform with NSF standards.
- 050.210** Exemption may only be considered when, in the opinion of the Health Authority, the equipment in question meets acceptable standards of durability, cleanability, and temperature maintenance.
1. General exceptions – Storage freezers and refrigerators used for the storage of nonperishable food items only may be exempted from the above requirement.
 2. Specific exemptions – Specific exemptions may be granted on a case-by-case basis only. The owner of the food establishment must demonstrate to the Health Authority:

- A. That his circumstances are unique among food establishment owners; and
- B. That the equipment in question qualifies for exemption.

050.215 A specific exemption must be approved in writing by the Health Authority and specify all conditions or restrictions placed upon the exemption. The exemption shall become null and void:

- 1. Upon change of business ownership; or
- 2. When any condition or restriction is violated.

050.305 Equipment must not be located under exposed or unprotected sewer lines or water lines, open stairwells or other sources of contamination unless protected in an approved manner. This requirement does not apply to automatic fire protection sprinkler heads that may be required by law.

050.310 Table or counter mounted equipment, unless portable, must be sealed to the table or counter or elevated on legs to provide at least a four (4) inch clearance between the table or counter and equipment and adjacent areas.

050.315 Equipment is portable if:

- 1. It is small and light enough to be moved easily by one person; and
- 2. It has no utility connection, has a utility connection that disconnects quickly or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.

Floor-mounted equipment, unless readily movable, must be:

- 1. Sealed to the floor;
- 2. Installed on raised platforms of concrete or other smooth masonry in a way that meets all the requirements for sealing or floor clearance; or
- 3. Elevated on legs to provide at least a six (6) inch clearance between the floor and equipment, except that vertically mounted floor mixers may be elevated to provide at least a four (4) inch clearance between the floor and equipment if no part of the floor under the mixer is more than six (6) inches from cleaning access.

050.325 Unless sufficient space is provided for easy cleaning between, behind and above each unit of equipment that is not readily movable, the space between the unit, adjoining units and adjacent walls or ceiling must be not more than 1/32 inch. If the unit is exposed to seepage, it must be sealed to adjoining units or adjacent walls or ceilings.

050.330 Floor mounted equipment is readily movable if:

- 1. It is mounted on wheels or casters; and
- 2. It has no utility connections, has a utility connection that disconnects quickly or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.

- 050.335** Aisles and working spaces between units of equipment and walls must be unobstructed and of sufficient width to permit employees to perform their duties without contamination of food or food contact surfaces by clothing or personal contact. All readily movable storage equipment, such as pallets, racks and dollies, must be positioned to provide accessibility to working areas.
- 050.400** **Cleaning, Sanitizing and Storage of Equipment and Utensils**
- 050.405** Tableware must be washed, rinsed and sanitized after each use.
- 050.410** Kitchenware and food contact surfaces must be washed, rinsed and thoroughly cleaned to sight and touch after each use and after any interruption of operations during which contamination may have occurred.
- 050.415** Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production line basis, utensils and food contact surfaces must be washed, rinsed and sanitized at intervals throughout the day on a schedule based on food temperature, type of food and amount of food particle accumulation.
- 050.420** Food contact surfaces of grills, griddles and similar cooking devices and the cavities and door seal of microwave ovens must be cleaned at least once a day, except that this requirement does not apply to hot oil cooking equipment and hot oil filtering systems. Food contact surfaces of all cooking equipment must be kept free of encrusted grease deposits and other accumulated debris.
- 050.425** Surfaces of equipment that do not contact food must be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles and other debris.
- 050.430** Cloths used as cooks' cloths for wiping food spills on tableware, such as plates or bowls being served to the consumer, must be clean, dry and used for no other purpose.
- 050.435** Moist cloths used for wiping food spills on kitchenware and food-contact surfaces and for cleaning non-food contact surfaces of equipment such as counters, dining table tops and shelves must be clean and rinsed frequently in a sanitizing solution as specified in Section 050.460(4) of these regulations and used for no other purpose. The cloths must be kept in the sanitizing solution between uses.
- 050.440** For manual washing, rinsing and sanitizing of tableware and other equipment on a batch basis, a sink with at least three compartments must be provided and used. At least a two compartment sink must be provided for cleaning of kitchenware and equipment not requiring sanitizing. In food establishments where the only kitchenware to be cleaned is limited to spatulas, scoops, tongs or similar serving devices and where the only equipment to be cleaned is stationary and does not require disassembly for proper cleaning, an exemption permitting a one compartment sink may be approved by the Health Authority. Coffee or teapots and other similar equipment used exclusively for the preparation or heating of hot beverages are specifically excluded from the sink requirements of this section. Sink compartments must be large enough to permit the accommodation of the equipment and tableware used in the establishment and each compartment of the sink must be supplied with hot and cold potable water.
- 050.445** Fixed equipment and utensils and equipment too large to be cleaned in sink compartments must be washed manually or cleaned through pressure spray methods.
- 050.450** Dish tables and drainboards of adequate size for proper handling of batches of soiled tableware and other equipment prior to washing and for cleaned tableware following rinsing or sanitizing must be provided and must be located or constructed as not to interfere with

the proper use of the dishwashing facilities. Drainboards are not required for cooks' and bakers' rinse sinks.

050.455 Equipment, tableware and utensils must be re-flushed or pre-scraped and, when necessary, pre-soaked to remove food particles and soil.

050.460 Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing and sanitizing of batches of tableware and other equipment must be conducted in the following sequence:

1. Sinks must be cleaned prior to use.
2. Equipment and utensil batches must be thoroughly washed in the first compartment with a hot detergent solution that is fresh for each batch.
3. Equipment and utensil batches must be rinsed free of detergent and abrasives with clean water for each batch in the second compartment.
4. Equipment and utensil batches must be sanitized in the third compartment according to one of the following methods:
 - A. Immersion for at least 30 seconds in clean hot water measured before immersion at a temperature of at least 170° F (77°C). When hot water is used for sanitizing, an integral heating device or fixture must be installed in, on or under the sanitizing compartment of the sink and must be capable of maintaining the water at a temperature of at least 170° F (77°C). There must also be a numerically scaled indicating thermometer, accurate to + or - 2° F (+ or - 1°C), convenient to the sink for frequent checks of water temperature and dish baskets of such size and design as to permit complete immersion of the tableware, kitchenware and equipment into the hot water.
 - B. Immersion for at least one minute in a clean solution containing at least 50 parts per million (ppm) of available chlorine as a hypochlorite and at a temperature measured before immersion of at least 75° (24°C).
 - C. Immersion for at least one minute in a clean solution containing at least 12.5 ppm of available iodine, having a pH not higher than 5.0 and at a temperature of at least 75° F (24° C). When chemicals are used for sanitizing, they must not have concentrations higher than the maximum permitted by the Health Authority. A test kit or other device that accurately measures the ppm concentrations of the solution must be provided and used.
 - D. Immersion in a clean solution containing any other approved chemical sanitizing agent that will provide the equivalent sanitization of solution containing at least 50 ppm of available chlorine as a hypochlorite at a temperature of at least 75°F (24°C) for one minute.
 - E. Approved treatment with steam which is free from materials or additives for equipment which is too large to sanitize by immersion, but in which steam can be confined.
 - F. Rinsing, spraying or swabbing with a chemical sanitizing solution of at least twice the strength required for the sanitizing solution listed in paragraph (d) above, if the equipment is too large to sanitize by immersion.

- 050.465** Automated cleaning and sanitizing may be done by spray-type or immersion dishwashing machines or by any other type of machine or device, if it is demonstrated to the Health Authority that it thoroughly cleans and sanitizes equipment and utensils. These machines and devices must be properly installed and maintained in good repair. Machines and devices must be operated in accordance with the manufacturer's instructions and utensils and equipment placed therein must be exposed to all dishwashing cycles. Automatic detergent dispensers, wetting agent dispensers and liquid sanitizer injectors, if any must be properly installed and maintained.
- 050.470** The pressure of final rinse water supplied to spray-type dishwashing machines must be not less than 15 or more than 25 pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A ¼ inch iron pipe size (IPS) valve must be provided immediately adjacent to the final rinse control valve to permit checking the flow pressure of the final rinse water.
- 050.475** A machine or water line mounted, numerically scaled, indicating thermometer, accurate to + or - 2°F (+ or -1°C) must be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.
- 050.480** Rinse-water tanks must be protected by baffles, curtains or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines must be accurately timed to assure proper exposure time in wash and rinse cycles in accordance with the manufacturer's specifications attached to the machines.
- 050.485** Drain boards or movable dish tables must be provided, be of adequate size for the proper handling of soiled utensils prior to washing and cleaned utensils following sanitizing and must be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitizing.
- 050.490** Equipment and utensils must be flushed or scraped and, when necessary, soaked to remove food particles and soil before being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils must be placed in free draining racks, trays, baskets or on conveyors in such a way that food contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters.
- 050.495** Machines (single-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for sanitizing may be used if:
1. The temperature of the wash water is not less than 120°F (49°C) measured at the rack, tray, basket or conveyor;
 2. The wash water is kept clean;
 3. Chemicals added for sanitizing purposes are automatically dispensed;
 4. Utensils and equipment are exposed to the final chemical sanitizing rinse in accordance with manufacturer's specifications for time and concentration;
 5. The chemical sanitizing rinse water temperature is not less than 120°F (49°C) measured at the rack, tray basket or conveyor;
 6. Approved chemical sanitizers are used; and,

7. A test kit or other device that accurately measures the ppm concentration of the active sanitizing ingredient of the solution is available and used.

050.496

Machines using hot water for sanitizing may be used if wash water and pumped rinse water are kept clean and sanitizing rinse water is applied for the following minimum time and at the following minimum temperatures:

1. Single tank, stationary rack, dual temperature machine:
Wash temperature 150°F (66°C)
Final rinse temperature 180°F (82°C)
at the manifold or 162°F (72°C) at the rack for 15 seconds
2. Single tank, stationary rack, single temperature machine:
Wash temperature 165°F (74°C)
Final rinse temperature 165°F (74°C)
at the manifold or 162°F (72°C) at the rack for 15 seconds
3. Single tank, conveyor machine:
Wash temperature 160°F (71°C)
Final rinse temperature 180°F (82°C)
at the manifold or 162°F (72°C) at the rack for 15 seconds
4. Multi-tank, conveyor machine:
Wash temperature 150°F (66°C)
Pumped rinse temperature 160°F (71°C)
Final rinse temperature 180°F (82°C)
at the manifold or 162°F (72°C) at the rack for 15 seconds
5. Single tank, pot, pan and utensil washer (either stationary or moving rack):
Wash temperature 140°F (60°C)
Final rinse temperature 180°F (82°C)
at the manifold or 162°F (72°C) at the rack for 15 seconds

050.497

All dishwashing machines must be thoroughly cleaned at least once a day and more often when necessary to prevent scale and to maintain them in a satisfactory operating condition.

050.498

After sanitizing, all equipment and utensils must be air dried.

050.500

Equipment and Utensil Storage

050.510

Cleaned and sanitized equipment and utensils must be handled in a way that protects them from contamination. Spoons, knives and forks may be touched only at their handles. Cups, glasses, bowls, plates and similar items must be handled without contact with inside surfaces or surfaces that contact the user's mouth.

050.515

Cleaned and sanitized utensils and equipment must be stored at least six (6) inches above the floor in a clean dry location in a way that protects them from contamination by splash, drip, deposition of dust and other exposure. Food contact surfaces of fixed equipment must also be protected from contamination.

050.520

Utensils must be air-dried before being stored or must be stored in a self-draining position.

050.525

Glasses and cups must be stored inverted. Other stored utensils must be covered or inverted. Facilities for the storage of knives, forks and spoons must be designed and used to present the handle to the employee or consumer. Unless tableware is prewrapped, holders for

knives forks and spoons at self-service locations must protect these articles from contamination and present the handle of the utensil to the consumer.

- 050.530** Single-service articles must be stored at least six (6) inches above the floor in closed cartons or containers, which protect them from contamination by splash, drip, deposition of dust and other exposure.
- 050.535** Single-service articles must be handled and dispensed in a manner that prevents contamination of surfaces, which may come in contact with food or with the mouth of the user.
- 050.540** Single-service knives, forks and spoons packaged in bulk must be inserted into holders or be wrapped by an employee who has washed his hands immediately prior to sorting or wrapping the utensils. Unless single-service knives, forks and spoons are prewrapped or prepackaged, holders must be provided to protect these items from contamination and present the handle of the utensil to the consumer.
- 050.545** The storage of food equipment, utensils or single-service articles in toilet rooms, mechanical rooms or vestibules is prohibited.
- 050.550** When equipment and facilities for cleaning and sanitizing utensils are not available, only single-service articles may be used.

SECTION 060

WATER SUPPLY

- 060.010** Sufficient potable water for the needs of the food establishment must be provided.
- 060.020** All potable water not provided directly by piping to the food establishment must be transported in an approved bulk water transport system and must be delivered to an approved closed-water system.
- 060.030** Bottled or packaged potable water must be handled and stored in a way that protects it from contamination. Bottled or packaged potable water must be dispensed from the original container.
- 060.040** Water under pressure and at an approved temperature must be provided to all fixtures and equipment that use water.
- 060.050** Steam used in contact with food or food contact surfaces must be free from any materials or additives other than those approved by the Health Authority.

SECTION 070

SEWAGE

- 070.010** All sewage, including liquid waste, must be disposed of through an approved public or other sewage system.

070.020 Waterless sewage disposal facilities are prohibited except as approved in writing by the Health Authority for a temporary food service establishment or in remote areas or because of special situations. Under such conditions, the operation of these facilities must be in conformance with applicable state and local laws, ordinances and regulations.

SECTION 080

PLUMBING

080.005 In all new food establishments or establishments undergoing remodeling to improve food handling operations, all plumbing must be sized, installed and maintained in compliance with the requirements of the current edition of the Uniform Plumbing Code, other local plumbing laws and this section of these regulations.

080.010 There must be no cross-connection between the potable water supply and any nonpotable water supply or any source of pollution through which the potable supply might become contaminated.

080.015 A non-potable water system which meets state bacteriological requirements is permitted only for purposes such as air conditioning, cleaning purposes, flushing toilets and fire protection and only if the system is installed according to all applicable state and local laws and regulations and the non-potable water does not contact, directly or indirectly, food, potable water or equipment that contact food or utensils. The piping of any non-potable water supply must be easily and durably identified so that it is readily distinguishable from piping that carries potable water.

080.020 The potable water system must be installed to preclude the possibility of back flow. Devices must be installed to protect against back flow and back siphonage at all fixtures and equipment if an air gap, at least twice the diameter of the water supply inlet, is not provided between the water supply inlet and the fixtures' flood level rim. A hose may not be attached to a faucet unless a back flow prevention device is installed.

080.025 Grease traps, when used, must be located for easy access and cleaning.

080.030 Garbage grinders, when used, must be installed and maintained according to applicable state and local laws.

080.035 There must be no direct connection between the sewage system and any drainpipe from equipment in which food, portable equipment, utensils or tableware is placed. When a dishwashing machine is located within five (5) feet of a properly trapped and vented floor drain, the dishwasher waste outlet may be connected directly on the inlet side of the trap to the floor drain trap.

SECTION 090

TOILET AND HAND WASHING FACILITIES

- 090.101** **Toilets**
- 090.015** An approved number of toilet facilities for food handlers must be installed according to the current edition of the Uniform Plumbing Code, must be conveniently located within the confines of the same buildings as the food establishment and must be accessible to food handlers at all time.
- 090.020** Toilet room must be completely enclosed and must have tight fitting, self-closing doors, which may be open only during cleaning or maintenance.
- 090.025** Toilet fixtures must be kept clean and in good repair. A supply of toilet tissue must be provided for and accessible at each toilet at all times. Easily cleanable receptacles must be provided for waste materials. Toilet facilities used by women must have at least one covered waste receptacle.
- 090.030** Exhaust fans must be installed in all new construction and in existing facilities undergoing remodeling.
- 090.100** **Hand Washing Facilities**
- 090.105** An approved number of lavatories must be provided and must be installed according to the current edition of the Uniform Plumbing Code and must be located to permit easy access and convenient use by all food handlers within the food preparation areas and utensil washing areas.
- 090.110** Lavatories must be located in or adjacent to toilet facilities or vestibules. Sinks used for food preparation or for washing equipment or utensils must not be used for hand washing.
- 090.115** Each lavatory must be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used must be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam mixing valves are prohibited.
- 090.120** A supply of hand-cleaning soap or detergent must be available at each lavatory. A supply of sanitary towels or a hand-drying device providing heated air must be conveniently located near each lavatory. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles must be conveniently located near the hand washing facilities.
- 090.125** Lavatories, soap dispensers, hand-drying devices and all related fixtures must be kept clean and in good repair.

SECTION 100

Garbage And Refuse Disposal

- 100.005** Garbage and refuse must be kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags and wet strength paper bags may be used to line these containers and may be used for storage inside the food service.

- 100.010** Containers used for refuse in food preparation and utensil washing areas must be kept covered when not in use.
- 100.015** Containers stored outside the establishment, including dumpsters, compactors and compactor systems must be easily cleanable, must be provided with tight fitting lids, doors or covers, and must be kept covered when not in use. In containers designed with drains, drain plugs must be in place at all times, except during cleaning.
- 100.020** There must be a sufficient number of containers to hold all the garbage and refuse that accumulates.
- 100.025** Soiled containers must be cleaned at a set frequency to prevent insect and rodent attraction. Each container must be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils or food preparation areas. Suitable facilities, including hot water and detergent or steam, must be provided and used for washing containers. Liquid wastes from compacting or cleaning operations must be disposed through a drain to the sewage system.
- 100.030** Garbage and refuse on the premises must be stored in a manner which makes it inaccessible to insects and rodents. Outside storage of unprotected plastic bags or wet strength paper bags containing garbage or refuse is prohibited, except that cardboard or other packaging material not containing putrescible garbage or food wastes need not be stored in covered containers but must be contained in a manner to prevent scattering by wind, animals, etc. Storage of combustible trash must be in conformance with all applicable state and local fire prevention laws.
- 100.040** Outside storage areas or enclosures must be large enough to house all garbage and refuse containers and the area must be kept clean. Garbage and refuse containers, dumpsters and compactor systems located outside must be stored on or above a smooth surface or nonabsorbent material such as concrete or machine-laid asphalt that is provided with a drain to the sewage system and is maintained in good repair.
- 100.045** Garbage and refuse must be disposed of at least seven (7) days to prevent the development of odor and the attraction of insects and rodents. All food establishments must subscribe to an approved garbage collection service.
- 100.050** Garbage or refuse burning on premises may only be done by controlled incineration that prevents the escape of particulate matter in accordance with applicable state and local law. A permit must be obtained from the Washoe County District Health Department before operating the incinerator. Areas around incineration facilities must be kept clean and orderly.

SECTION 110

INSECT AND RODENT CONTROL

- 110.010** Effective measures intended to minimize the presence of rodents, flies, cockroaches and other insects on the premises must be utilized. The premises must be kept in such conditions as to prevent the harborage or feeding of insects or rodents.
- 110.020** Openings to the outside of the food establishment must be effectively protected against the entrance of rodents.

- 110.030** Openings must be protected against entrance by insects by tight-fitting devices such as, but not limited to, self-closing doors, closed windows, screening and controlled air currents. Screening materials for doors and windows must be not less than 16 mesh to the inch, tightly fitted into the opening and kept in good repair.
- 110.040** Only approved pesticides and rodenticides may be used. No mechanical pesticides dosing device may be used in any area where food preparation occurs without the approval of the Health Authority. Passive pesticide dosing devices may be used in food preparation areas but only when located so as not to create a potential contamination hazard to shelves, tables and other horizontal surfaces where food is prepared or served. Pesticides and insecticides may not be used during the period of time when food preparation or utensil washing operations are being conducted in the food establishment. Before resuming food preparation operations, all horizontal surfaces in the food preparation areas must be thoroughly washed to remove any toxic residues.

SECTION 120

CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

- 120.010** **Floors**
- 120.015** Floors and floor coverings of all food preparation, food storage and utensil washing areas and the floors of all walk-in refrigerating units, dressing rooms, locker rooms, toilet rooms and vestibules must be constructed of smooth durable materials, such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum in plastic or tight wood impregnated with plastic and must be maintained in good repair. This section does not prohibit the use of anti-slip floor covering in areas where necessary for safety reasons.
- 120.020** Carpeting, if used as a floor covering for dining areas, must be of closely woven construction, properly installed, easily cleanable and maintained in good repair. Carpeting is prohibited in food preparation, equipment washing and utensil washing areas, if it will be exposed to large amounts of grease and water, and in food storage areas and toilet rooms where urinals or toilet fixtures are located.
- 120.025** Sawdust may be used on butcher shop floors, if it is cleaned from the floor and replaced with fresh sawdust on a daily basis.
- 120.030** Trapped floor drains must be provided in areas where floors that are water-flushed for cleaning, in areas that receive discharges of water or other fluid waste from equipment or in areas where pressure spray methods for cleaning equipment are used. Such areas must be graded to drain and be constructed only, of sealed concrete, terrazzo, ceramic tile or similar approved materials.
- 120.035** Mats and duckboards must be of nonabsorbent, grease resistant materials and of such size, design and construction as to facilitate their being easily cleaned. Duckboards must not be used as floor storage racks.
- 120.040** To improve food handling operations in all new food establishments, or food establishments undergoing remodeling, where concrete, terrazzo, ceramic tile or similar flooring materials and water-flush cleaning methods are used, the junctures between walls and floors must be coved and sealed. In all other cases, the juncture between walls and floors must not present an open seam of more than 1/32 inch around coving materials.

120.045 Exposed utility service lines and pipes must be installed in such a way that they do not obstruct or prevent cleaning of the floor. To improve food handling operations in all new food establishments, or food establishments undergoing remodeling, installation of exposed horizontal utility lines and pipes on the floor is prohibited. In existing food establishments, exposed utility lines or pipes are also prohibited, if they present a safety hazard.

120.100 Walls and Ceilings

120.105 Walls and ceilings, including doors, windows, skylights and similar closures, must be maintained in good repair.

120.110 The walls, including non-supporting partitions, wall coverings, ceilings or walk-in refrigerating units, food preparation areas, equipment washing and utensil washing areas, toilet rooms and vestibules must be light colored with a smooth, nonabsorbent finish that is easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations must be finished smooth and sealed to provide an easily cleanable surface.

120.115 Studs, joists, rafters and like wood framing must not be exposed in walk-in refrigerating units, food preparation areas, waitress stations, equipment washing and utensil washing areas, toilet rooms and vestibules. If exposed in other rooms or areas, they must be finished to provide an easily cleanable surface.

120.120 Ceilings cannot be less than eight (8) feet high in all areas of food establishments where food or beverages are being prepared for sale or service and areas where food is consumed.

120.125 Exposed utility service lines and pipes must be installed in a way that does not obstruct or prevent the cleaning of the walls and ceilings. Utility service lines and pipes must not be unnecessarily exposed on walls or ceilings in walk-in refrigerating units, food preparation areas, waitress stations, equipment washing and utensil washing areas, toilet rooms and vestibules.

120.130 Light fixtures, vent covers, wall mounted fans, decorative materials and similar equipment attached to walls and ceilings must be easily cleanable and maintained in good repair.

120.135 Covering materials for walls and ceilings, when used, must be attached and sealed to be easily cleanable.

120.200 Cleaning Methods

120.205 Cleaning of floors and walls, except emergency cleaning, must be done during periods when the least amount of food is exposed, such as after closing or between meals. Floors, mats, duckboards, walls, ceilings and attached equipment and decorative materials must be kept clean. Only dustless methods of cleaning floors may be used.

120.210 To improve food handling operations in new food establishments, or food establishments undergoing remodeling, at least one utility sink or curbed cleaning facility with a floor drain must be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. The use of the lavatory sink, equipment washing, utensil washing and food preparation sinks, and the toilets for this purpose is prohibited.

SECTION 125

PLAN REVIEW

- 125.010** When a food establishment is to be constructed or extensively remodeled, or when an existing structure is to be converted for use as a food establishment, properly prepared, legible plans to scale, using ¼ inch per foot minimum for equipment layouts shall be submitted to the Health Authority before any work is begun. Plans shall include specifications for such construction including, but not limited to, layout, plumbing, ventilation, lighting, storage areas for trash, garbage and grease, and location of restrooms. Provided with the plans shall be a schedule of specifications of food service equipment and fixtures, including makes and models, or cut sheets where possible. A schedule of finish materials for construction, including floors, walls, and ceilings and fixtures including colors shall be submitted.
- 125.015** Plans must include proposed menu, method of preparation, e.g., scratch, prepackaged, combination, etc., projected volume or number of meals per day, seating capacity, and hours of operation.
- 125.020** Plans must be reviewed and approved by the Health Authority before such work may begin.
- 125.025** The Health Authority may charge fees for plan review and shall charge fees for each part of the establishment that is to be permitted separately, i.e., restaurant, support kitchen, bar, snackbar, etc.
- 125.030** Plans shall be deemed expired when construction has not been completed within eighteen (18) months after approval of the original plan. The expiration date for plans may be extended for an additional six (6) months by written request accompanied by an extension fee equal to one-half the original plan review fee to the Health Authority. Plans not reactivated must be resubmitted after their expiration date and no construction shall begin until the resubmittal has been approved.
- 125.035** **Stop Work Order.** Whenever any work is being done contrary to the provisions of these regulations or proceeding in a manner not in accordance with approved plans, the Health Authority may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Health Authority to proceed with the work. Persons beginning food establishment construction without prior approval may be assessed a penalty fee equal to, and in addition to, the plan review fee. Additionally, such persons continuing unapproved work may be subject to penalties or prosecution pursuant to NRS 446.043 and NRS 446.945.

SECTION 130

LIGHTING

- 130.005** Permanently fixed artificial light sources must be installed to provide at least fifty (50) foot candles of light on all food preparation surfaces and at equipment washing and utensil washing work levels.
- 130.010** Permanently fixed artificial light sources must be installed at a height of not less than thirty (30) inches from the floor.

1. At least twenty (20) foot candles of light in utensil and equipment storage areas, walk-in refrigerating units, and lavatory/toilet area; and,
2. At least ten (10) foot candles of light in dry food storage areas, hallways, dining areas, and in all other areas during cleaning operation.

130.015 To protect against broken glass falling onto unpackaged food, shielding must be provided for all artificial lighting fixtures located over, by or within food storage, preparation, service and display areas and areas where equipment and utensils are cleaned and stored.

130.020 Infrared and other heat lamps must be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

SECTION 140

VENTILATION

140.005 All rooms must have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, nuisance odors, smoke and fumes. Ventilation systems must be designed, installed and operated in conformance with all applicable state and local laws and regulations and, when vented to the outside, must be controlled so as not to create an unsightly, harmful or unlawful discharge.

140.010 Intake and exhaust air ducts must be maintained to prevent the entrance of dust, dirt and other contaminating materials.

140.015 In new food establishments or establishments, undergoing remodeling to improve food handling operations, all rooms from which nuisance odors, vapors or fumes originate must be mechanically vented to the outside.

SECTION 150

DRESSING ROOMS AND LOCKER AREAS

150.010 If food handlers routinely change clothes within the food establishment, rooms or areas must be designated and used for that purpose. These designated rooms or areas must not be used for food preparation, storage or service, or for utensil washing or storage.

150.020 Sufficient lockers or other suitable facilities away from food preparation areas must be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or in food storage rooms of areas containing only completely packaged food or packaged single-service articles.

SECTION 160

OTHER OPERATIONS

- 060.010** **Poisonous or Toxic Materials**
- 160.015** Only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils and controlling insects and rodents may be present in any food establishment.
- 160.020** Poisonous or toxic materials must be kept in their original containers and must be prominently and distinctly labeled according to applicable federal and state laws and regulations.
- 160.026** Poisonous or toxic materials must be stored and physically separated by category. All poisonous or toxic materials must be stored in cabinets or in a similar physically separate place used for no other purpose. To prevent contamination of foods, poisonous or toxic materials must not be stored above food, food equipment, utensils or single-service articles, except that this requirement does not prohibit the placement and use of detergents or sanitizers at utensil or dishwashing stations.
- 160.030** Bactericides, cleaning compounds and other compounds intended for use on food contact surface must not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to food handlers or patrons.
- 160.035** Poisonous or toxic materials must not be used in a way that contaminates food, equipment or utensils in a way that constitutes a hazard to food handlers or patrons or in any other way than in full compliance with the manufacturer's labeling.
- 160.040** Personal medications must not be stored in food storage, preparation or service areas.
- 160.045** First-aid supplies must be stored in a way that prevents them from contaminating food and food contact surfaces.
- 160.100** **Premises**
- 160.105** Food establishments and surrounding grounds must be kept free of litter.
- 160.110** The walking and driving surfaces of all exterior areas of food service establishments must be surfaced with concrete, asphalt, gravel, or other material effectively treated to facilitate maintenance and act as a dust palliative. These surfaces must be graded to prevent pooling of storm or other runoff water and must be kept free of litter.
- 160.115** Only articles necessary for the operation and maintenance of the food service establishment may be stored on the premises.
- 160.120** Foot traffic of unauthorized persons through the food preparation and utensil washing areas is prohibited.
- 160.125** No operation of a food establishment may be conducted in any room used as living or sleeping quarters. Food service operations must be separated from living or sleeping quarters by complete partitioning and impervious, self-closing doors.

- 160.130** Laundering in food establishment must be restricted to the washing and drying of linens, cloths, uniforms and aprons necessary to the operation. If such items are laundered on the premises, an electric or gas dryer must be provided and used.
- 160.135** Separate rooms must be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged food or packaged single-service articles.
- 160.140** Clean clothes and linens must be stored in a clean place and protected from contamination until used.
- 160.145** Soiled clothes and linens must be stored in nonabsorbent containers or washable laundry bags until removed for laundering.
- 160.150** Maintenance and cleaning tools, such a brooms, mops, vacuum cleaners and similar equipment, shall be maintained and stored in a way that does not contaminate food, utensils and equipment or linens and must be stored in an orderly manner facilitating the cleaning of that storage location.
- 160.155** Live animals are prohibited within food establishments. This exclusion does not apply to edible fish, crustaceans, shellfish, fish in aquariums, dogs used by peace officers in the performance of their official duties and dogs used as aids by the visually or aurally handicapped.

SECTION 170

TEMPORARY FOOD ESTABLISHMENTS AND SPECIAL EVENTS

170.040 Permit Application Requirements

170.050 Application for Permit to Operate a Special Event

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

1. A statement whether the applicant is a natural person, firm or corporation; and, if a partnership, the names of the partners and their addresses;
2. A statement of the location(s) and type of the proposed special event;
3. Applicant's full name and address;
4. The inclusive dates of the proposed special event;
5. The signature(s) of the applicant(s);
6. All Temporary Food Establishments participating in the event;
7. Layout of the event;
8. Solid waste and recycling plan; and

9. Locations of support equipment including 3 compartment sinks, dumpsters, potable water source(s), wastewater collection units, restrooms, handwash stations, refrigeration, and grease collection.

170.100 Application for Permit to Operate a Temporary Food Establishment

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

Temporary Food Establishment application must include:

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

170.106 Special Event Permit to Operate

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

170.110 Temporary Food Establishment Permit to Operate

1. It is unlawful for any person to operate a temporary food establishment unless a valid permit has been issued for the establishment by the Health Authority. After receipt of an application, the Health Authority shall review the application and make an inspection of the temporary food establishment to determine compliance with the provisions of Chapter 446 of the Nevada Revised Statutes, the regulations of this section, and with all other Regulations of the District Board of Health that are applicable to the operation of a temporary food establishment.
2. Food that is prepared in a private home and given away free of charge or consideration of any kind is exempt from the provisions of this section, unless it is given to a food establishment with the meaning ascribed to it in NRS 446.020.
3. Except as otherwise provided in subsection 4, food that is prepared in a private home must not be sold, or offered or displayed for sale or for compensation of contractual consideration of any kind, unless the person preparing the food possesses a valid permit issued by the Health Authority for that purpose.
4. A religious, charitable or other nonprofit organization may, without possessing a permit from the Health Authority, sell food occasionally to raise money, whether or not the food was prepared in a private home, if the sale occurs on the premises of the organization. If the sale is to occur off the premises of the organization, a permit from the Health Authority is required unless an exemption has been granted by the Health Authority based on a determination that the food which is sold, offered or displayed for sale, or served at the establishment does not constitute a potential or actual hazard to the public health.
5. The permit issued pursuant to this section is not transferable from person to person or from place to place.
6. The health authority may exempt a temporary food establishment from the provisions of this chapter if the health authority determines that the food which is sold, offered or displayed for sale, or served at the establishment does not constitute a potential or actual hazard to the public.

170.120 Temporary Food Establishment Permit Exemptions

As provided in NRS 446.870 (2), a temporary food establishment which distributes the following foods is exempt from the permitting requirements of these regulations:

1. Bottled water, canned soft drinks.
2. Coffee/Tea with powdered non-dairy creamer or ultra-pasteurized dairy creamer packaged in individual servings. This exemption does not include beverages such as latte and espresso that are mixed with dairy product by the vendor during preparation.
3. Commercially prepared acidic beverages (such as orange juice, lemonade, and other similar beverages) that are served from the original properly labeled container without the addition of consumer ice or other regulated food product.
4. Draft beer and other alcoholic beverages that are served without the addition of consumer ice or the addition of potentially hazardous food.
5. Foods from an approved source prepared for a “cook-off” or judging contest in which food is not provided to the general public.

6. Hermetically sealed and unopened containers of non-potentially hazardous beverages, which do not require refrigeration.
7. Hot chocolate prepared without the use of potentially hazardous or reconstituted dairy products.
8. Non-potentially hazardous prepackaged baked goods with proper labeling from an approved source and requiring no on-site preparation.
9. Non-potentially hazardous and unopened prepackaged food from an approved source with proper labeling, such as honey, jerked meats, potato chips, popcorn and other similar foods.
10. Produce sold from a produce stand where no food preparation is done.
11. Commercially prepared, prepackaged, and unopened ice cream that is appropriately labeled as to ingredients and manufacturer.
12. Shelled or unshelled nuts, including flavored nuts for sample or sale unless the nuts are processed at the event site.
13. Food Supplements that are offered for sample or sale without the addition of regulated food items. These include, but are not limited to, vitamins, minerals, protein powder mixes, energy drinks, and herbal mixtures.

170.201 Special Event Fee

An application for a permit to operate a special event shall be accompanied by a fee established by the District Board of Health. A late fee will be assessed if the permit application and fee are not submitted to the Health Authority a minimum of fourteen (14) days prior to the start date of the event.

170.205 Temporary Food Establishment Fee

An application for a permit to operate a temporary food establishment shall be accompanied by the fee established by the District Board of Health. A late fee will be assessed if the permit application and fee are not received a minimum of seven (7) days prior to the start date of the event.

170.210 Cumulative Maximum Fee for Temporary Food Establishment

A temporary food establishment, which operates at the same special event, in the same location and serves the same menu for at least three times during a calendar year, will be eligible for a cumulative maximum fee for the special event. The operation of the temporary food establishment is limited to fourteen (14) days per calendar year. If the fourteen (14) day limit is exceeded, the operator must make application for a permit to operate a permanent establishment and will be subject to all applicable regulations. An application shall be submitted to cover each calendar day at the event. In the event that all dates are not determined at the time of application, advanced notice must be received at least seven (7) days prior to the date of any food service operation under cumulative maximum fee permit. A separate application and fee for a temporary food establishment permit is required for any event in which the cumulative maximum fee has not yet been paid. Late fees will apply each time an application is not submitted seven (7) days prior to operating a temporary food establishment.

170.215 Fee for Annual Sampling Permit for Special Events

1. An annual fee has been established by the District Board of Health for food operators engaged in the practice of providing only food samples to the public. The permit can be renewed annually, provided the permit has not been suspended or revoked for chronic or repeated sanitation violations. The permit is valid only for the calendar year in which it was purchased. Following suspension or revocation of an Annual Sampling Permit, a reinstatement fee shall be submitted prior to reactivation of the permit to operate. All violations that prompted the permit suspension must be corrected prior to the request for reinstatement.
2. Upon making application to the Health Authority, the applicant will be provided with two (2) copies of the sanitation requirements for sampling. One copy will remain with the applicant for reference. The other copy must be signed by the applicant, indicating acknowledgement and receipt of the requirements, and must be returned with the permit application to the Health Authority. Temporary Food Establishments that apply for the Annual Sampling Permit must submit a proposed schedule outlining the events and locations at which they will be operating and meet applicable sanitation requirements set forth in this regulation.

170.220 Fee for Low Risk Foods

The District Board of Health has set a limited fee for temporary food establishments serving low risk foods, including, but not limited to:

1. Foods that do not require cooling below 5 degrees Celsius (41 degrees Fahrenheit) or heating above 60 degrees Celsius (140 Fahrenheit) prior to serving in order to ensure that the foods are not hazardous to human health.
2. Any beverage served in an open container with ice.
3. Candy, fudge.
4. Coffee drinks blended with dairy products.
5. Samples given of any food item. Samples must be from an approved source and must be dispensed in a manner which protects the food from contamination and temperature abuses.
6. Snow cones, shaved ices, slurpies and other similar ice with syrup mixes.
7. Cooked vegetables, funnel cakes, roasted corn, popcorn, deep fried onion rings, french fries, and other food items, excluding meat, poultry and fish subjected to deep-frying as the primary cooking process. This provision is subject to approval of food item(s) and does not allow for the addition or inclusion of high-risk items such as chili, chowder, dairy toppings, or other high-risk foods in the service of the original permitted low risk food item.

170.225 Limited Fee for Non-Profit Organizations

The District Board of Health has set a limited fee for non-profit organizations operating temporary food establishments. Applicants who desire to be eligible for the non-profit fee must submit evidence of non-profit status when applying for a permit to operate. Such evidence may include, but is not limited to:

1. Tax exempt status recognized by the Internal Revenue Service or State of Nevada; and

2. Articles of incorporation or association filed pursuant to the provisions of Chapter 81 of NRS.

The limited fee for non-profit organizations shall not apply if any of the revenue is retained by a for-profit organization.

170.227

The District Board of Health has established a conditional maximum temporary food establishment fee for individual sample and tasting events promoted by non-profit organizations. The maximum fee will be charged for twenty (20) or fewer temporary food establishment permit applications for each qualifying event and applies to samples only. Each permit application for Temporary Food Establishments in excess of the twenty (20) allowed under the maximum fee shall be accompanied by the non-profit temporary food establishment permit fee as set by the District Board of Health. The conditional maximum temporary food establishment fee does not apply to for-profit temporary food establishments at the event. In order to qualify for this fee, the event promoter shall provide proof of non-profit status as outlined in Section 170.225.

170.229

Re-inspection Fee

If more than one re-inspection of a Temporary Food Establishment or Annual Sampling Operation is required a fee up to the amount, but not to exceed the permit fee set by the District Board of Health will be charged. The fee will be assessed in the field and is due to the Environmental Health Services Office within 5 working days following the event. Subsequent Temporary Food Establishment Permit Applications will be denied until the re-inspection fee is paid.

170.230

General Requirements

Temporary food establishments shall comply with the requirements outlined in this section and may be subject to other portions of the Washoe County District Board of Health Regulations Governing Food Establishments. The Health Authority may impose additional requirements to protect against potential health hazards related to the operation of such establishments.

170.240

Food Source

1. Food must be obtained from a supplier or source acceptable to the Health Authority. Food sources acceptable to the Health Authority include sources where the producer, manufacturer, distributor, or food establishment is determined by the Health Authority to conform to applicable laws, or in the absence of applicable laws, conforms to current public health principles and practices and recognized industry standards to protect public health. Any preparation or storage at a private residence of any food item to be sold at a special event in Washoe County is strictly prohibited. Operators that obtain their food source outside Washoe County shall be required to provide proof to the Health Authority that the source of the food products is regulated and approved by a Health Authority in the jurisdiction of origin.
2. Interstate transport of pre-cooked meat or poultry is prohibited unless the product is unadulterated; in the original unopened package from the source; and has been U.S.D.A. inspected and approved, and bears a label indicating such.
3. All food shall be protected against contamination and held within the safe temperature requirements set forth in these regulations during transport and storage.

170.250 Safety of food for consumption; use of food from private home; labeling of certain food

1. All food must be free from spoilage, filth, adulteration, misbranding and contamination and must be safe for human consumption.
2. Food must be protected from contamination and spoilage while it is being handled, packaged, stored, displayed, dispensed and transported.
3. Food must be protected from cross-contamination between foods, equipment, utensils or other surfaces which may come into contact with food and from contamination by insects, insecticides, rodents, rodenticides, probe price markers or probe identification markers.
4. No food prepared or stored in a private home may be used, stored, served, offered for sale, sold, given away or offered to the public in a Temporary Food Establishment.
5. Packages of food, including packages of food repackaged from bulk that was prepared within Washoe County, that are for sale in a Temporary Food Establishment must have a label which has been approved by the Health Authority. The label must include:
 - A. The name of the food establishment;
 - B. The mailing address of the food establishment, including:
 1. The number of the street or post office box;
 2. The city;
 3. The state; and
 4. The zip code;
 - C. A list of ingredients in descending order of predominance; and
 - D. The last date of sale, if applicable, shown clearly as the three letters of the month followed by the date. Frozen food that has been thawed must also be dated to indicate the last date of sale.

170.260 Alcohol Consumption While Pregnant

Temporary Food Establishments and all other operations which sell alcoholic beverages for consumption on premises must post health warnings for drinking during pregnancy as outlined in NRS 446.842.

170.300 Food Menu Restrictions

The Health Authority will limit or prohibit the sale of any potentially hazardous foods that may put the public at risk for disease or injury.

170.310 Food Cooking, Holding and Service Equipment

1. All food holding, service and cooking equipment shall be clean, in good repair and in such condition to present no risk to public health. All equipment used in temporary food establishments is subject to approval by the Health Authority.
2. The Health Authority shall restrict foods at an event if adequate facilities are not available and functioning properly to keep food at the required temperatures. Chafing dishes, which are not heated mechanically or similar equipment, are prohibited for use at outdoor special events.
3. Adequate power shall be supplied by the event promoter to temporary food establishments that require electrical or mechanical means to hold food products at safe temperatures. A contingency plan for recovery and safe storage of food shall be required in writing from the event promoter at the time the permit application is submitted. The contingency plan shall include a 24-hour contact for implementation.
4. Failure by the operator of a temporary food establishment to maintain safe temperatures and adequate refrigeration may require modification of food service operations plans. The event promoter must ensure that adequate refrigeration is available for temporary food establishment operators who intend to hold potentially hazardous foods overnight for a multi-day event. Temporary food establishment operators shall not store potentially hazardous foods off-site at non-permitted food establishments.
5. Metal stem thermometer or similar temperature measuring devices that are numerically scaled with a range of 0-220°F and accurate to plus or minus 2°F must be used to ensure the attainment and maintenance of proper internal temperatures for cooking, holding, cooling or refrigerating all potentially hazardous foods. At least one such thermometer or temperature measuring device must be available for use by employees at all times. The thermometers or temperature measuring device must be washed, rinsed and sanitized before insertion into food.
6. Utensils and cutting surfaces shall be smooth, easily cleanable and nonabsorbent. The Health Authority may prohibit the use of utensils that are chipped, cracked, scratched or otherwise constructed or finished as to present a risk to public health. This does not preclude the use of single service utensils such as toothpicks or similar items.

170.320

Temporary Food Establishment Construction Requirements

1. All temporary food establishments shall be located in such a manner as to minimize the risk of contamination from external sources such as sewage, flooding, dust and vectors or vermin. Food preparation must be limited to areas inaccessible to the public to protect food from contamination. Temporary food establishments may not be closer than fifty (50) feet from any non-sewered toilets, animal pens, or down gradient of runoff in a drainage zone. The fifty (50) foot setback requirement may be waived by the Health Authority, if public health concerns are not compromised by such waiver.
2. The ceiling of a temporary food establishment must be made of wood, canvas, metal or other leak proof material, which will protect the interior from overhead contamination. The floor, ground or ground cover shall be maintained in such a manner as to minimize contamination from dust, insects or water.
3. Placement of heating or cooking equipment shall be in an area inaccessible to the public.

4. Temporary Food Establishments that are larger than 800ft² in area or have divided operations that require more than one inspection are subject to requirements for additional permits and corresponding fees.

170.330

Food Handlers

1. When the Health Authority has reasonable cause to suspect the possibility of disease transmission from any food handler working in a temporary food establishment, the Health Authority shall secure a morbidity history of the suspected food handler, or make such other investigation as may be indicated, and take appropriate action.
2. The Health Authority may require any or all of the following measures:
 - A. Immediate exclusion of the food handler from all food establishments;
 - B. Immediate closure of the food establishment concerned until, in the opinion of the Health Authority, no further danger of disease outbreak exists;
 - C. Restriction of the food handler's services to some area of the establishment where there would be no danger of transmitting disease; and
 - D. Adequate medical and laboratory examinations of the food handler, of other food handlers and of his or their body discharges.
3. Food handlers shall wash their hands and the exposed portions of their arms thoroughly with soap and warm water before starting work, during work, after using tobacco, eating, drinking or using the toilet, before and after handling raw meat, raw poultry or raw seafood, before handling clean tableware and after handling soiled tableware, including ashtrays, after caring for and handling support animals, after coughing, sneezing or using a handkerchief or disposable tissue, or as often as is necessary to keep them clean.
4. Eating, drinking and/or the use of any form of tobacco in the food booth are allowed in designated areas only. This must be outside the food preparation area. A food handler may consume a beverage from a container that has a lid and a permanent straw, if the straw does not have a cap on it and if the container is handled to prevent the contamination of the employee's hands, the container, any exposed food, clean equipment, utensils, linens and unwrapped articles intended to be disposed of by the customer after a single use. Hand to mouth contact during food preparation is prohibited.
5. Clean clothing is required for food preparation personnel.
6. Jewelry on the hands and wrists is prohibited during food preparation with exception of medical alert bracelets.
7. An employee of a food establishment must not use a pair of gloves intended for a single use for more than one purpose and must discard the gloves after they are damaged or soiled or after the process of preparing food has been interrupted.

170.400

Defrosting of Potentially Hazardous Foods

1. Frozen, potentially hazardous foods shall be defrosted for use in temporary food establishment operations by one of the following methods:
 - A. In refrigerated units with an ambient air temperature of 40°F or below;

- B. In an insulated container with enough ice to maintain 40°F. The food must remain covered during this process so as not to allow direct contact with the ice and uneven defrosting from external heat sources such as nearby cooking equipment or sunlight; or
 - C. In a permitted food establishment, under potable, running water with a temperature of 70°F or below, and with sufficient velocity to agitate and float off loose food particles into the overflow.
2. Defrosting potentially hazardous foods in standing water is strictly prohibited.
 3. Defrosting food in a sanitizing sink or hand wash sink is strictly prohibited.

170.405 Food Temperatures

1. Potentially hazardous foods which require cooking must be cooked to heat all parts of the food to a temperature of at least 145°F (63°C) for at least 15 seconds, with the following exceptions:
 - A. Poultry, stuffing for poultry, stuffed meats and stuffing containing meats must be cooked to heat all parts of the food to at least 165°F (74°C) for at least 15 seconds with no interruption in the cooking process.
 - B. Pork, any food containing pork, injected meats, comminuted fish and meats, including hamburger, must be cooked to heat all parts of the food to at least 155°F (68°C) for at least 15 seconds or, if cooked in a microwave oven, to at least 170°F (77°C).
 - C. Roast beef must be cooked to an internal temperature of at least 130°F (55°C) or, if cooked in a microwave oven, to at least 145°F (63°C). Beef steak must be cooked to an internal temperature of at least 130°F (55°C), unless otherwise ordered by the immediate customer.
2. Potentially hazardous foods which have been prepared to be ready to eat and then refrigerated for more than 24 hours must be marked with the date of preparation. These foods must not be used for human consumption if not sold, served or frozen within 10 calendar days after preparation.
3. Potentially hazardous foods which have been prepared by another food establishment or food processing plant to be ready to eat and packaged in a container for refrigeration must be marked by the manufacturer to indicate the date by which the food must be sold, served or frozen. These foods must be discarded if not sold, served or frozen:
 - A. Within 10 calendar days after the original container is opened; or
 - B. On or before the date by which the food must be sold or used, as indicated on the container, whichever occurs first.
4. **Holding**
 - A. Potentially hazardous cold foods are required to be held at 40°F or below.
 - B. Potentially hazardous hot foods are required to be held at 140°F or above.

5. Reheating and Cooling

Cooling and/or reheating of potentially hazardous foods intended for sale or distribution from a temporary food establishment is prohibited, unless approved in advance by the Health Authority. All foods that have been cooked and refrigerated must be thoroughly heated to 165°F for 15 seconds within 30 minutes prior to being held or served. Steam tables, bainmaries, warmers, crockpots and similar facilities for holding hot foods may not be used for the rapid reheating of potentially hazardous foods. Potentially hazardous foods which have been prepared by another food establishment or food processing plant to be ready to eat and packaged in a container for refrigeration must be marked by the manufacturer to indicate the date by which the food must be sold, served or frozen:

- A. within 10 calendar days after the original container is opened, or;
- B. on or before the date by which the food must be sold or used, as indicated on the container, whichever comes first.

170.410 Food Protection

1. All food, kitchenware, single-service articles and tableware must be stored at least six (6) inches off the ground.
2. Food must be protected and/or shielded from contamination by methods approved by the Health Authority.
3. All raw animal products or foods and fish shall be stored and prepared so they will not contaminate other foods.
4. Temporary food establishments that offer food samples must serve individual portions. Common bowls are strictly prohibited.
5. Packaged food may not be stored in direct contact with ice or water, if the food is subject to entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.
6. Unpackaged food may not be stored in direct contact with ice, with the exceptions of whole, raw fruits or vegetables or raw poultry or fish that are immersed in ice in shipping containers or packaged from an approved manufacturer or distributor.
7. No live animals, birds or fowl shall be kept within fifty (50) feet of any area where food is stored or offered for sale. This exclusion does not apply to edible fish, crustaceans, shellfish, fish in aquariums, dogs used by peace officers in the performance of their official duties, or service animals.
8. Food must be stored and prepared in such a manner as to preclude contamination and/or infestation by insects or vermin.
9. Beverages stored in cooling ice are not allowed for self-service to the general public and must be dispensed by the temporary food establishment operator.
10. Condiments, seasonings and dressings for customers who serve themselves must be provided in single packages, from approved dispensers, or from containers which are protected from contamination by customers.

11. Condiments provided at a table or counter must be individually portioned, except that catsup and other sauces, if in dispenser type containers, may be served in the original containers or in other approved dispensers that pour.
12. Sugar must be provided in single packages or in covered dispensers that pour.
13. Ice for customers must be dispensed only by employees using scoops, tongs or other utensils that have been approved by the health authority or by automatic equipment. Ice offered for sale must be packaged and labeled properly.
14. Utensils used for dispensing ice must be stored on a clean surface and in a manner that has been approved by the health authority or in the ice with the handles of the utensils extended out of the ice. Receptacles used to transfer ice must be stored so that they are protected from contamination when not in use.
15. Only those items necessary for dispensing, packaging or transporting ice may be stored on top of an ice machine.
16. Suitable dispensing utensils, adequate in number, must be used by employees when serving food or provided to customers who serve themselves.
17. When not being used to serve food, dispensing utensils must be:
 - A. Stored in the food with the handle of the utensil extended out of the food;
 - B. Clean and dry when stored; or
 - C. Stored in a solution of 50-200ppm available chlorine which is changed at a minimum of every 30 minutes or more often as otherwise necessary to ensure sanitization.
18. If ladles and spatulas are used in other than dry foods, they must be stored in the food with handles extending to the outside and the handles must not prevent the lid from closing.
19. Knives, forks and spoons packaged in bulk and designed for a single use must be inserted into holders or be wrapped by an employee who has washed his hands immediately before sorting or wrapping the utensils. Unless knives, forks and spoons designed for a single use are pre-wrapped or prepackaged, holders must be provided which protect these items from contamination and present the handle of the utensil to the customer.
20. Coated, shatterproof light bulbs or shielding designed to prevent broken glass from falling onto unpackaged food must be used for all artificial lighting fixtures which are located over, by or within facilities used for the storage, preparation, service and display of food, for cleaning and storing utensils, equipment and linens, or for storing unwrapped articles designed for a single service or single use

170.412

Service, storage and display of food: Potentially hazardous food kept at an internal temperature above 40°F (4.44°C) or below 140°F (60°C). ([NRS 439.150](#), [439.200](#), [446.940](#))

1. Potentially hazardous food may be kept at an internal temperature above 40°F (4.44°C) or below 140°F (60°C) if held for no longer than the time limitations set forth in this subsection. While being stored before cooking or while being served or

displayed for immediate service, potentially hazardous food may be kept at an internal temperature above 40°F (4.44°C) or below 140°F (60°C) if:

- A. The food is cooked or served within 2 hours after the time its temperature exceeds 40°F (4.44°C) or goes below 140°F (60°C);
- B. The food is marked or otherwise identified with the hour of the day by which it must be cooked, served or discarded; and

170.415 Poisonous or Toxic Materials

- 1. Only those poisonous or toxic materials approved for maintaining the establishment, cleaning and sanitizing equipment and utensils and controlling insects and rodents may be present in a temporary food establishment.
- 2. Poisonous or toxic materials must be kept in their original containers and must be prominently labeled according to applicable federal and state laws and regulations.
- 3. Poisonous or toxic materials must be stored and physically separated by category. All poisonous or toxic materials must be stored in cabinets or in a similar physically separate place used for no other purpose. To prevent contamination of foods, poisonous or toxic materials must not be stored above food, food equipment, utensils or single-service articles. This requirement does not prohibit the placement and use of detergents or sanitizers at utensil or dishwashing stations.
- 4. Bactericides, cleaning compounds and other substances intended for use on food contact surfaces must not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to food handlers or patrons. Poisonous or toxic materials must be utilized according to the manufacturer's directions on the label at all times.
- 5. Personal medications must not be stored in food storage, preparation or service areas.
- 6. First aid supplies must be stored in a way that prevents them from contaminating food or food contact surfaces.

170.420 Hand Washing Facilities

- 1. A hand washing facility must be readily accessible inside or directly adjacent to, but not more than ten (10) feet from, the preparation area of a temporary food establishment. Temporary food establishments without hot and cold running water must provide a container with a spigot or other apparatus that will dispense water without continuous manual contact holding a minimum of two (2) gallons of water for the purpose of hand washing. Wastewater generated must empty into a spill-proof container.
- 2. Pump soap and single-service towels must be available at the hand sink.
- 3. Hand washing facilities will be required at special events when non-sewered toilets are used and public restrooms for hand washing are not readily accessible. The number of hand washing facilities will be determined by the Health Authority. Hand washing facilities must provide potable water and be adequately serviced, stocked and maintained during the course of the event.

170.430 Utensil and Equipment Cleaning and Sanitizing

1. Foodservice utensils and tableware shall be washed, rinsed and sanitized as needed and following each day of operation in a three (3)-compartment sink, or an approved mechanical dishwasher. An adequate supply of clean and sanitary utensils shall be available for daily operation. The practice of washing, rinsing and sanitizing buckets is prohibited. Cutting boards and utensils used to cut, slice or prepare potentially hazardous food must be washed, rinsed and sanitized every two (2) hours. If facilities are not available to accomplish this, extra cleaned and sanitized utensils and cutting boards shall be on site for use.
2. At special events exceeding one (1) day in duration, a three (3)-compartment sink or an approved dishwasher shall be provided by the event promoter for temporary food establishment operators who do not have access to these facilities. The sink shall have hot and cold running water. Utensils shall be thoroughly washed in the first compartment, with a solution of detergent and hot water (at least 110°F) that is changed as necessary. Utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment. Utensils shall be sanitized using a sanitizing solution, in accordance with the EPA-approved manufacturer's label use instructions, shall be used as follows:
 - A. Immersion of 1 minute in a clean solution containing chlorine or any other agent used for sanitizing which is approved by the health authority and provides the equivalent bactericidal effect of a solution containing at least 50 parts per million (ppm) of available chlorine as a hypochlorite, at a temperature of at least 75°F (24°C). For example, quaternary ammonium compounds must be at the concentration which is indicated by the manufacturer's instructions on the label.
 - B. A kit for testing or other device that accurately measures the concentration of the sanitary solution in parts per million (ppm) shall be available and routinely used to verify the sanitizing solution concentration.
3. Equipment and food surfaces that are too large for immersion in a 3-compartment sink shall be sanitized by rinsing, spraying or swabbing with a sanitizing solution of 50-200ppm available chlorine. All bottles or containers of solutions used in this process must be properly labeled as to their contents. Any solution or textiles used for this purpose must be changed as needed to ensure appropriate concentration and application of sanitizer without stagnation of the solution. Sanitization which is done in this manner must not be done during food preparation on or near the equipment or food surface being sanitized or in any way contaminate food with sanitizing solutions or chemical residues.

170.440 Potable Water

An accessible potable water supply must be available for hand washing, cooking and cleaning equipment and utensils.

1. The event promoter shall notify all temporary food establishment operators of the location of potable water sources.
2. Non-potable water sources shall not be used within temporary food establishments or in areas at special events where spray and/or flow may contaminate food sources. All water connections and water service containers must be marked and clearly identifiable as to potable and non-potable.
3. Any water source provided for an event outside the approved service connections located on the event premises must be approved by the Health Authority prior to use.

4. Water haulers for special events must comply with Nevada Administrative Code (NAC) Sections 445A.67275 through 445A.6731.
5. Food grade hoses connected to public water sources must be equipped with an approved backflow prevention device.
6. Water lines or hoses and connections used to conduct potable water must not be used for any other purpose. They must be clearly identified as potable water systems.

170.480 Liquid Waste

1. The special event promoter must ensure that all wastewater generated at an event is discharged to sanitary sewer. The dumping of wastewater into a storm drain is strictly prohibited. Upon approval by the Health Authority and the local pre-treatment sewer discharge authority water that is not contaminated may be discarded by other means.
2. Wastewater holding tanks are required for temporary food establishment operations, unless a suitable alternative for collection of wastewater is provided. The Health Authority must approve the alternative system prior to the event. The tanks must be readily accessible to temporary food establishment employees for dumping of wastewater. In the event that wastewater cannot be transported by the employees of a temporary food establishment, the promoter shall be responsible for collecting the wastewater and ensuring proper disposal into wastewater holding tanks and/or sanitary sewer.
3. Water lines or hoses used for the discharge of wastewater must not be used for any other purpose.

170.490 Grease and Cooking Oil Waste

1. Grease and waste cooking oil must be disposed in a manner approved by the Health Authority. Disposal of grease or waste cooking oil to the sanitary sewer system or storm drain system is prohibited. Wastewater must not be dumped into containers dedicated to grease and cooking oil waste.
2. Disposal of grease or waste cooking oil on the ground is prohibited.

170.500 Non-sewered Toilets

The special event promoter shall be required to provide non-sewered toilets at special events if there are insufficient numbers of sewerd toilets available. Approved toilet facilities shall be available within 200 feet (61.5 meters) of any Temporary Food Establishment or as approved by the Health Authority. Non-sewered toilets must be adequately serviced, stocked and maintained during the course of the event. See Table 1 for the appropriate number of non-sewered toilets required for an event.

TABLE 1
NON-SEWERED TOILETS – SPECIAL EVENTS

NUMBER OF PEOPLE	NUMBER OF HOURS FOR EVENT									
	1	2	3	4	5	6	7	8	9	10
0-500	2	4	4	5	6	7	9	9	10	12
1,000	4	6	8	8	9	9	11	12	13	13
2,000	5	6	9	12	14	16	18	20	23	25
3,000	6	9	12	16	20	24	26	30	34	38
4,000	8	13	16	22	25	30	35	40	45	50
5,000	12	15	20	25	31	38	44	50	56	63
6,000	12	15	23	30	38	45	53	60	68	75
7,000	12	18	26	35	44	53	61	70	79	88
8,000	12	20	30	40	50	60	70	80	90	100
10,000	15	25	38	50	63	75	88	100	113	125
12,500	18	31	47	63	78	94	109	125	141	156
15,000	20	38	56	75	94	113	131	150	169	188
17,500	22	44	66	88	109	131	153	175	197	219
20,000	25	50	75	100	125	150	175	200	225	250
25,000	38	69	99	130	160	191	221	252	282	313
30,000	46	82	119	156	192	229	266	302	339	376
35,000	53	96	139	181	224	267	310	352	395	438
40,000	61	109	158	207	256	305	354	403	452	501
45,000	68	123	178	233	288	343	398	453	508	563
50,000	76	137	198	259	320	381	442	503	564	626
55,000	83	150	217	285	352	419	486	554	621	688
60,000	91	164	237	311	384	457	531	604	677	751
65,000	98	177	257	336	416	495	575	654	734	813
70,000	106	191	277	362	448	533	619	704	790	876
75,000	113	205	296	388	480	571	663	755	846	938
80,000	121	218	316	414	512	609	707	805	903	1001
85,000	128	232	336	440	544	647	751	855	959	1063
90,000	136	246	356	466	576	686	796	906	1016	1126
95,000	143	259	375	491	607	724	840	956	1072	1188
<i>100,000</i>	151	273	395	517	639	762	884	1006	1128	1251

170.510 Hand washing facilities shall be required at special events when non-sewered toilets are used. Hand washing facilities shall be adequately serviced, stocked and maintained during the course of the special event. Hand washing facilities must be of adequate size and design to serve the public during the course of a special event. Each bank of non-sewered toilets must have a portable hand washing facility. The portable hand washing facility shall be provided with potable running water that drains to an enclosed wastewater tank, liquid soap, disposable towels and a trash receptacle for waste. The wastewater tank, soap and towel dispensers and waste receptacle must be attached to the hand washing facility in a manner allowing for ease of use. An additional portable hand washing facility shall be provided for each incremental increase of twenty (20) or more non-sewered toilets per bank.

170.530 Solid Waste

1. Special event promoters shall provide a solid waste management plan in writing with detailed information as to the method of solid waste storage, handling and removal for

a special event. Solid waste shall be handled in accordance with these regulations and the District Board of Health Regulations Governing Solid Waste Management.

2. All solid waste generated at a special event or at a temporary food establishment shall be disposed of in leak proof containers. Solid waste shall be collected and dumpsters shall be emptied as often as necessary to prevent an excessive accumulation of solid waste.
3. Putrescible waste shall be disposed frequently enough to prevent odors and/or attraction for vermin.
4. The special event promoter shall provide for the removal of any sold waste scattered on the event premises or on other premises as a result of event activities. The special event promoter is also required to provide removal of such wastes at the conclusion of the event.
5. The special event promoter is responsible for developing and implementing a resource recovery plan. At any event where attendance is expected to exceed 5,000 persons per day, a resource recovery plan shall be implemented. Cardboard, glass, plastic bottles (PTE) and aluminum generated at an event of this size shall be collected and recycled.

170.600 Operation of Temporary Food Establishment without Permit Issued by Health Authority

Temporary food establishment operators who are found operating without a valid health permit will be required to cease food operations immediately until a valid health permit is obtained. Failure to comply shall result in a written notice of violation and possible subsequent legal action taken by the Health Authority.

170.700 Inspections

The Health Authority, after proper identification, must be permitted to enter, at any reasonable time, any food establishment within the state for the purpose of making an inspection to determine compliance with NRS Chapter 446 and this regulation. He must be permitted to examine the records of an establishment to obtain pertinent information pertaining to food and supplies purchased, received or used, and persons employed.

Whenever the Health Authority makes an inspection of a food establishment, he shall record his findings on an inspection report form provided for this purpose. The Health Authority shall furnish the original of the inspection report form to the permit holder, operator or the designated person in charge. The form must summarize the requirements of NRS Chapter 446 and this regulation.

Inspections may be conducted during event, pre-event and post-event hours to ensure compliance with the requirements of these regulations. If the Health Authority suspects that a hazardous condition exists with food intended for the public or with public safety in a temporary food establishment or annual sampling operation, he or she may enter at any time to ensure that such conditions are abated. Written notice that inspections will be conducted outside of normal operating hours will be provided to the temporary food establishment operator or the event promoter prior to the event.

170.705 Examination and Condemnation of Food

Food which, upon inspection of a temporary food establishment by the Health Authority, is determined to have been potentially adulterated or for any reason may present a substantial risk to public health, shall be condemned. Food that has been condemned may be

voluntarily destroyed and discarded by the establishment operator in the presence of the Health Authority or otherwise placed on hold under the following provisions of NRS 446.920:

1. Food may be examined or sampled by the Health Authority as often as may be necessary to determine freedom from adulteration or misbranding. The Health Authority may, upon written notice to the owner or person in charge, place a hold order on any food that he determines is or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded.
2. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on food by the Health Authority. Neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed or destroyed without permission of the Health Authority, except by order of a court of competent jurisdiction.
3. After the owner or person in charge has had a hearing, as provided in NRS 446.895, and, on the basis of evidence produced at such a hearing, or on the basis of his examination in the event a written request for a hearing is not received within ten (10) days, the Health Authority may vacate the hold order, or may, by written order, direct the owner or person in charge of the food that was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this regulation. The order of the Health Authority to denature or destroy such food or bring it into compliance with the provisions of this regulation shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

170.710 Compliance

1. In addition to these regulations a temporary food establishment shall comply with all the provisions of NRS Chapter 446 and any other District Board of Health regulations, which are applicable to its operation. The Health Authority may:
 - A. Augment such requirements when needed to assure the service of safe food;
 - B. Prohibit the sale of certain potentially hazardous food; and/or
 - C. Modify specific requirements for physical facilities when, in his opinion, no imminent health hazard will result.

170.720 Suspension or Revocation of Temporary Food Permit and Reinstatement

1. Whenever the Health Authority finds an unsanitary or other condition at a special event or in the operation of a temporary food establishment which, in his judgment, constitutes a substantial hazard to the public health, he may, without warning, notice or hearing, issue a written Notice of Violation (NOV) to the permit holder or operator citing the condition and specifying the time in which the corrective action must be taken. The specified period must not be more than 24 hours.
2. The order may state that the permit is immediately suspended and all food operations must be immediately discontinued. Any person to whom such a NOV is issued shall comply with it immediately. Upon written petition to the Health Authority, the person must be afforded a hearing as soon as possible.
3. A re-inspection will be conducted to determine compliance with the correction notification. The temporary food establishment permit will be reinstated only after violations have been corrected.

4. A temporary food establishment permit to operate shall be revoked in accordance with the compliance procedures outlined in Section 190 of these regulations.

170.730 Failure to Comply

After notification to owner, operator or person in charge by the Health Authority of any violation to these regulations, it shall be unlawful for that person to refuse or fail to correct these violations within the time limits set in this notice.

170.800 Interference with Performance of Duty

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

170.900 Food Borne Illness/Food Related Injury

1. When a food borne illness or food related injury is reported to any employee of a temporary food establishment, the employee shall notify the operator of the establishment immediately of the report. The operator must immediately report the incident to the Health Authority and remove from sale and refrigerate any suspect foods until released by the Health Authority.
2. When the Health Authority suspects that a special event, temporary food establishment or its employees may be the source of disease, he shall take appropriate action to control transmission of the disease. Such action may include, but is not limited to, any or all of the following:
 - A. Secure records that may enable identification of persons potentially exposed to the disease, and/or requiring additional assistance in locating such persons. This includes records of hotels, motels, or other facilities on whose premises the temporary food establishment is operating;
 - B. Obtain samples of any suspect food for laboratory examination;
 - C. Require the destruction of suspect food or preventing the suspect food from being served until such time as the food has been deemed safe for human consumption;
 - D. Require implementation of environmental controls to reduce the potential exposure of the public to environmental contaminants or injuries resulting from existing conditions at a special event or in a temporary food establishment.

Reference NRS 446

DEFINITIONS

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

[Part 1:116:1943; 1943 NCL § 5319]—(NRS A 1969, 803)—(Substituted in revision for NRS 446.040)

NRS 446.020 “Food establishment” defined.

1. Except as otherwise limited by subsection 2, “food establishment” means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.
 2. The term does not include:
 - (a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;
 - (b) Fraternal or social clubhouses at which attendance is limited to members of the club;
 - (c) Vehicles operated by common carriers engaged in interstate commerce;
 - (d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;
 - (e) Any establishment where animals are slaughtered which is regulated and inspected by the State Department of Agriculture;
 - (f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under [chapter 584](#) of NRS; or
 - (g) The premises of a wholesale dealer of alcoholic beverages licensed under [chapter 369](#) of NRS who handles only alcoholic beverages which are in sealed containers.
- [Part 1:116:1943; 1943 NCL § 5319]—(NRS A 1960, 295; 1963, 758; 1969, 803, 991; 1973, 1164; 1981, 697; 1985, 901; 1991, 286; 1993, 1624; [1999, 3624](#); [2001, 1504](#))

NRS 446.030 “Food handler” defined.

1. “Food handler” means any person employed in or operating a food establishment, whether that person is an employer, employee or other natural person, who handles, stores, transports, prepares, manufactures, serves or sells food, or who comes in contact with eating or cooking utensils or other equipment used in the handling, preparation, manufacture, service or sale of food.
 2. The term does not include a person who:
 - (a) Only handles, stores, transports, sells or otherwise comes in contact with food that is sealed and packaged for sale directly to the consumer;
 - (b) If the food is potentially hazardous food, handles the food only occasionally and incidentally to his responsibilities or employment, and such handling is not part of his regularly scheduled responsibilities or employment; or
 - (c) Is providing services as a cashier, salesperson, stock clerk, warehouse or dockworker, delivery person or maintenance staff or providing services in a similar position with limited food-handling responsibility.
- [Part 1:116:1943; 1943 NCL § 5319]—(NRS A 1969, 803; [2001, 1505](#); [2003, 595](#); [2007, 2175](#))

NRS 446.035 “Food processing establishment” defined. “Food processing establishment” means a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.

(Added to NRS by 1969, 816)

NRS 446.050 “Health authority” defined. “Health authority” means the officers and agents of the Health Division of the Department of Health and Human Services, or the officers and agents of the local boards of health.

[Part 1:116:1943; 1943 NCL § 5319]—(NRS A 1963, 311, 758; 1969, 803; 1973, 1406)

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

(Added to NRS by 1969, 816)

NRS 446.057 “Potentially hazardous food” defined. “Potentially hazardous food” has the meaning ascribed to it in subpart 1-201 of the 1999 edition of the *Food Code* published by the Food and Drug Administration of the United States Department of Health and Human Services, unless the

Administrator of the Health Division of the Department of Health and Human Services has adopted a later edition of the *Food Code* for this purpose.
(Added to NRS by [2003, 594](#))

NRS 446.067 “Temporary food establishment” defined. “Temporary food establishment” means any food establishment which operates at a fixed location for a temporary period of time, not to exceed 2 weeks, in **connection** with a fair, carnival, circus, public exhibition, celebration or similar transitory gathering.
(Added to NRS by 1969, 817)

NRS 446.069 “Wholesome” defined. “Wholesome” means in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.
(Added to NRS by 1969, 817)

FACILITIES AND OPERATIONS

NRS 446.841 Use of sawdust on floors in retail meat, poultry and fish markets. A food establishment engaged in the cutting and packaging of meat, poultry or fish for retail sale may use sawdust on the floors in that area of such establishment not visited by the public if:

1. Such sawdust is treated in a manner approved by the Health Division of the Department of Health and Human Services; and
2. The floors are cleaned and fresh sawdust is used daily.

(Added to NRS by 1971, 151; A 1973, 1406)

NRS 446.842 Food establishments which sell alcoholic beverages for consumption on premises required to post signs concerning birth defects; exception.

1. Except as otherwise provided in subsection 5, each food establishment in which alcoholic beverages are sold by the drink for consumption on the premises shall post at least one sign that meets the requirements of this section in a location conspicuous to the patrons of the establishment. The conspicuous location described in this subsection may include, without limitation, a women’s restroom that is located within the establishment.
2. Each sign required by subsection 1 must be not less than 8 1/2 by 11 inches in size and must contain a notice in boldface type that is clearly legible and, except as otherwise provided in paragraph (a) of subsection 4, in substantially the following form:

HEALTH WARNING

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

¡ADVERTENCIA!

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

3. The letters in the words “HEALTH WARNING” and “¡ADVERTENCIA!” in the sign must be written in not less than 40-point type, and the letters in all other words in the sign must be written in not less than 30-point type.
4. The Health Division of the Department of Health and Human Services may:
 - (a) Provide by regulation for one or more alternative forms for the language of the warning to be included on the signs required by subsection 1 to increase the effectiveness of the signs. Each alternative form must contain substantially the same message as is stated in subsection 2.
 - (b) Solicit and accept the donation of signs that satisfy the requirements of this section from a nonprofit organization or any other source. To the extent that such signs are donated, the Health Division shall distribute the signs upon request to food establishments that are required to post the signs.
5. A food establishment is not required to post the sign otherwise required by this section if the food establishment provides to its patrons a food or drink menu that contains a notice, in boldface type that is clearly legible and not less than the size of the type used for the items on the menu, in

substantially the same form and language as is set forth in subsection 2 or authorized pursuant to paragraph (a) of subsection 4.

6. As used in this section, "alcoholic beverage" means:

- (a) Beer, ale, porter, stout and other similar fermented beverages, including, without limitation, sake and similar products, of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.
- (b) Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of one-half of 1 percent or more of alcohol by volume.
- (c) Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including, without limitation, all dilutions and mixtures thereof from whatever process produced.

(Added to NRS by [2003, 1361](#))

NRS 446.846 Certain employees of food establishments required to wear hair net or other suitable covering to confine hair. The State Board of Health shall adopt reasonable rules and regulations requiring that any person employed in the preparation or service of food or beverages to patrons on the premises of a food establishment, or who comes in contact with eating or cooking utensils used for such service, whose hair length exceeds specified limits shall wear a hair net, cap or other suitable covering which confines the hair while such person is engaged in the performance of his duties. Such rules and regulations shall specify the minimum hair length to which such requirement applies.

(Added to NRS by 1973, 1055)

TEMPORARY FOOD ESTABLISHMENTS

NRS 446.865 Compliance with chapter; powers of health authority. A temporary food establishment shall comply with all the provisions of this chapter which are applicable to its operation. The health authority may:

- 1. Augment such requirements when needed to assure the service of safe food.
- 2. Prohibit the sale of certain potentially hazardous food.
- 3. Modify specific requirements for physical facilities when in his opinion no imminent health hazard will result.

(Added to NRS by 1963, 753; A 1969, 810)

PROVISIONS FOR ENFORCEMENT

NRS 446.870 Prohibited acts: Operation of food establishment without valid permit issued by health authority; sale, offer or display for consideration of food prepared in private home without valid permit issued by health authority; exemptions.

- 1. Except as otherwise provided in this section, it is unlawful for any person to operate a food establishment unless he possesses a valid permit issued to him by the health authority.
- 2. The health authority may exempt a food establishment from the provisions of this chapter if the health authority determines that the food which is sold, offered or displayed for sale, or served at the establishment does not constitute a potential or actual hazard to the public health.
- 3. Food that is prepared in a private home and given away free of charge or consideration of any kind is exempt from the provisions of this chapter, unless it is given to a food establishment.
- 4. Except as otherwise provided in subsection 5, food that is prepared in a private home must not be sold, or offered or displayed for sale or for compensation or contractual consideration of any kind, unless the person preparing the food possesses a valid permit issued to him by the health authority for that purpose.
- 5. A religious, charitable or other nonprofit organization may, without possessing a permit from the health authority, sell food occasionally to raise money, whether or not the food was prepared in a private home, if the sale occurs on the premises of the organization. If the sale is to occur off the premises of the organization, a permit from the health authority is required unless an exemption is granted pursuant to subsection 2.

(Added to NRS by 1963, 753; A 1969, 810; 1987, 382; [2001, 1505](#))

NRS 446.875 Issuance of permit.

1. Any person desiring to operate a food establishment must make written application for a permit on forms provided by the health authority. The application must include:
 - (a) The applicant's full name and post office address.
 - (b) A statement whether the applicant is a natural person, firm or corporation, and, if a partnership, the names of the partners, together with their addresses.
 - (c) A statement of the location and type of the proposed food establishment.
 - (d) The signature of the applicant or applicants.
 2. An application for a permit to operate a temporary food establishment must also include the inclusive dates of the proposed operation.
 3. Upon receipt of such an application, the health authority shall make an inspection of the food establishment to determine compliance with the provisions of this chapter. When inspection reveals that the applicable requirements of this chapter have been met, the health authority shall issue a permit to the applicant.
 4. A permit to operate a temporary food establishment may be issued for a period not to exceed 14 days.
 5. A permit issued pursuant to this section:
 - (a) Is not transferable from person to person or from place to place.
 - (b) Must be posted in every food establishment.
- (Added to NRS by 1963, 753; A 1969, 811; 1987, 383)

NRS 446.877 City or county business license must not be issued until permit issued by health authority. No license under any license ordinance of city, county or other licensing authority shall be issued for the operation of a food establishment to any person owning or operating such food establishment unless the permit required by this chapter has first been granted by the health authority.

[14:116:1943; 1943 NCL § 5319.13]—(NRS A 1963, 759; 1969, 804)—(Substituted in revision for NRS 446.190)

NRS 446.880 Suspension or revocation of permit; reinstatement of suspended permit; hearing.

1. Permits issued under the provisions of this chapter may be suspended temporarily by the health authority for failure of the holder to comply with the requirements of this chapter.
2. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the permit holder or operator must be notified in writing that the permit is, upon service of the notice, immediately suspended or that the establishment is downgraded if that is the case. The notice must also contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed by him with the health authority.
3. Whenever the health authority finds an insanitary or other condition in the operation of a food establishment which, in his judgment, constitutes a substantial hazard to the public health, he may without warning, notice or hearing issue a written order to the permit holder or operator citing the condition, specifying the corrective action to be taken, and specifying the time within which the action must be taken. The order may state that the permit is immediately suspended and all food operations must be immediately discontinued. Any person to whom such an order is issued shall comply with it immediately. Upon written petition to the health authority, the person must be afforded a hearing as soon as possible.
4. Any person whose permit has been suspended may, at any time, make application for a reinspection for reinstatement of the permit. Within 10 days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the health authority shall make a reinspection. If the applicant is complying with the requirements of this chapter, the permit must be reinstated.
5. For serious or repeated violations of any of the requirements of this chapter or for interference with the health authority in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the health authority. Before taking such an action, the health authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder of the requirements for filing a

request for a hearing. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

6. The health authority may permanently revoke a permit after 5 days following service of the notice unless a request for a hearing is filed with the health authority by the permit holder within 5 days.
7. The hearings provided for in this section must be conducted by the health authority at a time and place designated by him. Based upon the record of the hearing, the health authority shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision must be furnished to the permit holder by the health authority.

(Added to NRS by 1963, 754; A 1969, 811; 1981, 604; 1985, 292)

NRS 446.883 Revocation of city or county business license if permit issued by health authority revoked.

1. A license to operate a food establishment issued by any licensing authority to a person owning or operating such food establishment shall be revoked when such person's permit has been revoked by the health authority, and no new license may be issued until such person again possesses an unrevoked permit from the health authority.
2. Licensing authorities shall be notified by the health authority of the revocation of any permit. [15:116:1943; 1943 NCL § 5319.14]—(NRS A 1969, 804)—(Substituted in revision for NRS 446.200)

NRS 446.885 Inspection of food establishment.

1. At least once every year, the health authority shall inspect each food establishment located in the State.
2. He shall make as many additional inspections and reinspections as are necessary for the enforcement of this chapter.
3. It is unlawful for any person to interfere with the health authority in the performance of his duties.

(Added to NRS by 1963, 755; A 1969, 812)

NRS 446.890 Access to food establishment; form for inspection report.

1. The health authority, after he has properly identified himself, must be permitted to enter, at any reasonable time, any food establishment within the State for the purpose of making any inspection to determine compliance with this chapter. He must be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or used, and persons employed.
2. Whenever the health authority makes an inspection of a food establishment, he shall record his findings on an inspection report form provided for this purpose. The health authority shall furnish the original of the inspection report form to the permit holder or operator. The form must summarize the requirements of this chapter.

(Added to NRS by 1963, 755; A 1969, 812; 1981, 605)

NRS 446.895 Issuance of notice. Except as otherwise provided in subsection 3 of [NRS 446.880](#), whenever the health authority makes an inspection of a food establishment and discovers that any of the requirements of this chapter have been violated, he shall notify the permit holder or operator of the violations by means of an inspection report form or other written notice. The notice must:

1. Set forth the specific violations found;
2. Establish a specific and reasonable time for the correction of those violations;
3. In the case of temporary food establishments, state that the violations must be corrected within a specified period which must not be more than 24 hours. Failure to comply with the notice results in immediate suspension of the permit;
4. State that failure to comply with the requirements of any notice issued in accordance with the provisions of this chapter may result in immediate suspension of the permit or in downgrading of the establishment; and

5. State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the health authority within the period established in the notice for correction.

(Added to NRS by 1963, 755; A 1969, 813; 1981, 605)

NRS 446.900 Service of notice. Notices provided for in [NRS 446.895](#) shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the health authority.

(Added to NRS by 1963, 756)

NRS 446.920 Examination and condemnation of food.

1. Food may be examined or sampled by the health authority as often as may be necessary to determine freedom from adulteration or misbranding. The health authority may, upon written notice to the owner or person in charge, place a hold order on any food which he determines is or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded.
2. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on food by the health authority. Neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of or destroyed without permission of the health authority, except by order of a court of competent jurisdiction.
3. After the owner or person in charge has had a hearing as provided for in [NRS 446.895](#), and on the basis of evidence produced at such hearing, or on the basis of his examination in the event a written request for a hearing is not received within 10 days, the health authority may vacate the hold order, or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this chapter. Such order of the health authority to denature or destroy such food or bring it into compliance with the provisions of this chapter shall be stayed if the order is appealed to a court of competent jurisdiction within 3 days.

(Added to NRS by 1963, 757; A 1969, 814)

NRS 446.925 Food establishment outside jurisdiction of health authority. Food from food establishments outside the jurisdiction of the health authority of the State of Nevada may be sold within the State of Nevada if such food establishments conform to the provisions of this chapter or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the health authority may accept reports from responsible authorities in the jurisdictions where such food establishments are located.

(Added to NRS by 1963, 757; A 1969, 814)

NRS 446.930 Review of plan for construction or remodeling of food establishment. If, after April 18, 1963, a food establishment is constructed or extensively remodeled, or if an existing structure is converted for use as a food establishment, properly prepared plans and specifications for such construction, remodeling or alteration showing layout, arrangement and construction materials of work areas and the location, size and type of fixed equipment and facilities shall be submitted to the health authority for approval before such work is begun. Where full-time city, county or district health departments exist, such plans and specifications shall be submitted to such health authorities for approval before such work is begun.

(Added to NRS by 1963, 757; A 1969, 814)

NRS 446.935 Procedure if infection of food handler is suspected.

1. When the health authority has reasonable cause to suspect the possibility of disease transmission from any food handler of a food establishment, the health authority shall secure a morbidity history of the suspected food handler, or make such other investigation as may be indicated, and take appropriate action.
2. The health authority may require any or all of the following measures:
 - (a) The immediate exclusion of the food handler from all food establishments.

- (b) The immediate closure of the food establishment concerned until, in the opinion of the health authority, no further danger of disease outbreak exists.
 - (c) Restriction of the food handler's services to some area of the establishment where there would be no danger of transmitting disease.
 - (d) Adequate medical and laboratory examinations of the food handler, of other food handlers and of his and their body discharges.
- (Added to NRS by 1963, 757; A 1969, 815)

NRS 446.940 Enforcement.

1. Except as provided in subsection 2, this chapter must be enforced by the health authority in accordance with regulations hereby authorized to be adopted by the State Board of Health to carry out the requirements of this chapter.
 2. A local board of health may adopt such regulations as it may deem necessary to carry out the requirements of this chapter. Such regulations:
 - (a) Become effective when approved by the State Board of Health;
 - (b) Must be enforced by the health authority; and
 - (c) Supersede the regulations adopted by the State Board of Health pursuant to subsection 1.
 3. All sheriffs, constables, policemen, marshals and other peace officers shall render such services and assistance to the health authority in regard to enforcement as he may request.
- (Added to NRS by 1963, 758; A 1969, 815; 1981, 606)

NRS 446.941 Inapplicability of certain regulations to child care facilities with limited menus.

1. Any regulation adopted by the State Board of Health or a local board of health pursuant to [NRS 446.940](#) that establishes a standard for the construction of a food establishment or the equipment required to be present in a food establishment shall not apply to any child care facility that limits its menu to:
 - (a) Food that does not constitute a potential or actual hazard to the public health; and
 - (b) Potentially hazardous food that has been:
 - (1) Commercially prepared and precooked; or
 - (2) Pasteurized.
 2. As used in this section, "child care facility" includes:
 - (a) A child care facility licensed pursuant to [chapter 432A](#) of NRS; or
 - (b) A child care facility licensed by a city or county.
- (Added to NRS by [2003, 594](#))

NRS 446.943 Prosecution by district attorney. The district attorney of each county shall prosecute any person who violates any provision of this chapter or any provision of the regulations of the State Board of Health or the local board of health adopted pursuant to this chapter.
[Part 21:116:1943; 1943 NCL § 5319.20]—(NRS A 1963, 760; 1969, 807; 1981, 606)

NRS 446.945 Penalties. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.
(Added to NRS by 1963, 758; A 1969, 815)

SECTION 180

MOBILE FOOD UNITS

- 180.010** Mobile food units must comply with the requirements of these regulations, except as otherwise provided in this section.
- 180.015** The Health Authority may:
1. Impose additional requirements to protect against health hazards related to the operation of a mobile food unit.
 2. Limit the food preparation procedures;
 3. Prohibit some menu items; or
 4. Subject to approval of the Food Establishment Sanitation Hearing and Advisory Board, waive or modify specific requirements of these regulations provided that imminent health hazards are avoided.
- 180.020** When facilities or equipment are inadequate to protect the public health, the Health Authority, after due consideration of all pertinent factors, may restrict the mode of operation of a mobile food unit.
- 180.100** **Identification of Mobile Food Units**
- Every mobile food unit must be readily identifiable by the business name being printed, permanently affixed and prominently displayed upon at least two (2) sides of such units, in letters not less than three (3) inches in height, and of a color contrasting with the background color of the vehicle.
- 180.105** A current health permit sticker must be displayed and be clearly visible from the rear of the vehicle during any mode of operation.
- 180.110** The health permit is not transferable from vehicle to vehicle.
- 180.115** The Health Authority must be notified in advance any time a mobile food unit participates at a special event; this enables the Health Authority to track and inspect all participants.
- 180.200** **Food and Food Preparation**
- 180.210** Food, as defined in Section 010.035, must be obtained from an approved source.
- 180.215** Ice intended for human consumption must not be used for any other purpose prior to serving.
- 180.220** Prepackaged foods must be properly labeled, except when prepared on the mobile food unit, for immediate service.
- 180.230** The number of preparation steps involving potentially hazardous foods must be minimized to decrease the risk of food borne illness.

- 180.240** Facilities must be adequate for the food preparation steps.
- 180.250** Preparation of potentially hazardous foods on the mobile unit must be accomplished daily, for service that same day.
- 180.260** Cooling of hot prepared potentially hazardous foods on a mobile food unit is prohibited.
- 180.261** When potentially hazardous foods, which have been cooked and cooled at the commissary, are to be served hot, they must be reheated in individual portions to 165°F for immediate service to the customer.
- 180.263** Commercially processed potentially hazardous foods, served hot, must be heated to 140°F within thirty (30) minutes.
- 180.265** Cooking of raw meats greater than one (1) inch thick is prohibited.
- 180.267** Hot and cold holding equipment must be preheated or prechilled to appropriate holding temperatures prior to loading potentially hazardous foods onto the mobile food unit.
- 180.269** Metal stem thermometers must be carried on the mobile food unit and used to monitor the temperature of potentially hazardous foods. Refrigerators must have indicating thermometers, accurate to within plus or minus 2°F.
- 180.300** **Personnel**
- 180.305** Only employees and those persons authorized by the Health Authority may be present in the mobile food unit.
- 180.310** The operator of a mobile food unit must be in attendance at all times when the unit is open for business.
- 180.400** **Food Equipment**
- 180.405** Cold holding of potentially hazardous foods must be accomplished by use of mechanical refrigeration. Ice may be used when all food is prepackaged in sealed waterproof containers.
- 180.407** Hot and cold holding equipment must be capable of maintaining proper temperatures in all climatic conditions, including subfreezing and extremely hot weather.
- 180.410** All food service equipment must be approved by the National Sanitation Foundation (NSF), or the equivalent, for construction and installation.
- 180.415** Mobile food units must provide only single-service articles for use by the consumer.
- 180.500** **Water Supply**
- 180.510** When a mobile food unit has a water system, the source and system design must be approved by the Health Authority.
- 180.515** The system must be of sufficient capacity to furnish enough hot and cold water under pressure for each of the following procedures, if they occur on the mobile food unit:
1. Food preparation

2. Utensil cleaning
3. Sanitizing
4. Hand washing, or
5. Mobile food unit cleaning

180.520 The water inlet must be located so that it will not be contaminated by waste discharge, road dust, oil or grease, and it shall be capped. The water filler hose must be equipped with an approved vacuum breaker or check valve.

180.530 The filler hose must be of an approved material and stored with the ends connected or covered when not in use. This hose must not be used for any purpose other than supplying potable water to the mobile food unit.

180.540 The filler hose must be identified either by color coding or tagging.

180.550 The water system must be operable under all climatic conditions, including subfreezing temperatures.

180.600 Liquid Waste Retention and Disposal

180.605 Liquid waste must be stored in a waste retention tank that has at least fifteen (15) percent more capacity than the water tank. The bottom of the waste retention tank must be sloped to a drain.

180.610 Liquid waste must be retained on the mobile food unit until emptied and flushed into an approved dump station, in a manner approved by the Health Authority.

180.615 The contents of the waste retention tank must be gauged. A tank with an outlet for overflow is prohibited.

180.620 All connections on the vehicle used for servicing the mobile food unit waste disposal facilities must be of a different size or type than those used for supplying potable water to the mobile food unit.

180.625 The waste connection must be located lower than the potable water inlet connection to prevent contamination.

180.630 The wastewater system must be operable under all climatic conditions, including subfreezing temperatures.

180.700 Hand Washing and Toilet Facilities

180.705 A separate hand washing sink must be provided for food workers at the mobile food unit and must be equipped with:

1. Potable, warm, running water, under pressure;
2. Soap; and
3. Paper towels.

180.710 Requirements for hand washing may be waived or modified when only prepackaged foods are served.

- 180.715** Toilet facilities for food service workers must be available and readily accessible along the route. Documentation that such facilities are available must be submitted to the Health Authority.
- 180.800** **Construction Requirements**
- 180.805** A three (3)-compartment sink with hot and cold running water under pressure to wash, rinse and sanitize utensils is required when equipment and utensils are reused on a mobile unit. The sinks must be large enough to immerse utensils and equipment requiring intermittent cleaning. This requirement may be waived or modified when limited food preparation is done or additional clean utensils are available and utensil washing can take place at the approved base of operations.
- 180.810** Ventilation must be provided by a fan. The mobile food unit must be equipped with climate control devices such as air conditioners or heaters, to keep the interior comfortable to prevent the unnecessary opening of doors and service openings.
- 180.815** Lighting within the mobile food unit must provide at least fifty (50) foot candles of light on all working surfaces at all times during use. Lights must be shielded or shatterproof.
- 180.820** The interior of the mobile food unit must be completely enclosed with the exception of the service openings. The service openings shall be open only when serving food.
- 180.825** Service openings must not be larger than eighteen (18) inches (45 cm) high or eighteen (18) inches (45 cm) wide and must be located away from areas used to prepare food.
- 180.830** All interior wall, floor and ceiling surfaces must be constructed of a light-colored, durable and complete washable material such as stainless steel, galvanized steel, aluminum or plastic and must be free of open joints or cracks.
- 180.835** Floors must be finished with an impervious, skid resistant material.
- 180.840** Junctures of floors, walls and adjoining fixtures must be watertight and coved.
- 180.845** Doors, windows and covers must close tightly to protect the unit from dust and other potential contamination. These must be closed when the vehicle is being moved.
- 180.850** A refuse container with a cover or lid must be installed inside a mobile food unit.
- 180.855** A removable refuse container with a lid must be installed for customer use on the outside of the mobile food unit and must have large, clearly legible signs on the cover stating "Deposit Trash Here" or similar wording.
- 180.860** Refuse containers must be of sufficient size and capacity to accommodate the daily accumulation of garbage and trash.
- 180.900** **Base of Operations (Mobile Food Depot and Commissary)**
- 180.901** Mobile food depots or commissaries must not be operated from a private home or residence.
- 180.905** Mobile food units or pushcarts must operate from an approved commissary and depot and must report daily to such location for supplies, cleaning and servicing operations.

- 180.910** The commissary and mobile food depot used as a base of operation for mobile food units or pushcarts must be constructed and operated in compliance with the requirements of this section.
- 180.915** A “permit to operate,” separate from that for the mobile food unit, is required for the base of operations.
- 180.920** **Mobile Food Depot**
- A mobile food unit servicing area, separated from commissary operations, must be provided. It must include a room at least large enough to accommodate a mobile food unit and shall provide protection for any supplying, cleaning or servicing operation. There must be a location provided for the flushing and drainage of liquid waste separate from the location provided for water servicing and for the loading and unloading of food and related supplies.
- 180.925** The surface of the servicing area must be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt, and must be maintained in good repair, kept clean, and be graded to drain to a sanitary sewer.
- 180.930** The construction of the walls and ceilings of the servicing area must be easily cleanable, light colored and durable, but are otherwise exempt from Section 120.110 of these regulations. Exposed wood framing is prohibited.
- Lighting in servicing areas must be at least thirty (30) foot candles measured at floor level. Lights must be shielded or shatterproof.
- 180.935** An N.S.F. approved sink with three (3) compartments and two (2) drain boards, of sufficient size to accommodate the largest equipment, container or utensil washed therein, must be provided.
- 180.937** Metal racks for drying utensils, containers and equipment must be provided. The sink and drying racks need not be provided if all utensils, equipment and containers can be properly washed, rinsed and sanitized within the mobile food unit.
- 180.939** Food and utensil storage compartments must be constructed and used so as to prevent contamination of contents. These compartments shall not be used to store vehicle parts or tools.
- 180.940** Areas in a servicing depot for refrigerating or storing food, beverages, supplies and equipment must be separated from the area used for vehicle servicing operations.
- 180.945** Sufficient hot water or steam, at a temperature of at least 170°F (77°C), must be provided to properly sanitize equipment which is not sanitized on the mobile food unit or equipment which is not sanitized with chemical disinfectants.
- 180.950** **Servicing Operations**
- 180.955** Potable water-servicing equipment must be installed according to the latest edition of the Uniform Plumbing Code and shall be stored and handled in a way that protects the water and equipment from contamination.
- 180.960** The mobile food unit liquid waste retention tank, when used, must be thoroughly flushed and drained during the servicing operation. All liquid waste must be discharged to an approved sanitary sewage disposal system.

- 180.965** The flushing and draining area for liquid wastes must be separate from the area used for loading and unloading of food and related supplies.
- 180.970** Vehicle cleaning and in-place cleaning of nonfood-contact surfaces of equipment not requiring sanitization must be done with potable water and shall be done in a manner which will not contaminate the vehicle's food storage or food preparation areas or equipment.
- 180.975** If hoses are to be used in the cleaning process, they must be kept off the pavement or floor and a facility must be provided to hang them up when not in use. Hoses used for servicing operations must be used for any other purpose and must be identified by color coding or tagging.
- 180.1000** **Plan Review**
- 180.1005** Properly prepared plans and specifications of the mobile food unit and base of operation shall be submitted to the Health Authority for approval before:
1. The mobile food unit, depot or commissary is constructed or remodeled;
 2. The mobile food unit menu is modified; or
 3. The method of food preparation is changed.
- 180.1010** The plans must include:
1. Menu and food preparation procedures;
 2. Floor plan – this must include location and elevation drawings of all foodservice equipment;
 3. Equipment specifications – this must include make and model numbers of all foodservice equipment;
 4. The type of finish to be used on all floors, walls, ceilings, counters, etc;
 5. The type of lighting to be installed;
 6. Proposed itinerary or sites to be served;
 7. Source of water and specifications for the on-board plumbing;
 8. Site used for sewage disposal;
 9. Availability of public restrooms; and
 10. The site of the base of operation, mobile food depot or commissary.
- 180.1100** **Miscellaneous**
- 180.1105** Any proposed change of location, equipment or operation must receive prior approval from the Health Authority.
- 180.1110** Any mobile food unit operating prior to the enactment of this regulation shall be exempt from these requirements until such time as there occurs:
1. A change of ownership or permit holder,

2. Remodeling, or
3. A change of location of base operations.

180.1115 When not in use, mobile food units must be stored at a secure facility to protect from vandalism and contamination. The area where vehicles are stored must be on or above a smooth nonabsorbent surface, such as concrete or machine-laid asphalt. Storage of mobile food units at private homes or garages is prohibited.

180.1120 Compressed gas bottles must be securely fastened to a wall or other stationary object in such a manner as to prevent damage to the valve mechanism.

180.1125 Nothing herein is intended to prevent the use of a commercial vehicle wash, provided the Health Authority receives the name and address of the wash and a schedule of its use. In this case, receipts must be retained for review by the Health Authority.

PUSHCART OPERATIONS

180.1210 Pushcart operations must conform to Sections 180.010 through 180.1125 of these Food Establishment Regulations, where applicable, and the additional requirements set forth below.

180.1220 During operation, food must not be stored, displayed, or served from any place other than the pushcart.

180.1230 During transportation and storage, food and food contact surfaces must be protected from contamination.

180.1240 Food products remaining after each day's operation must be stored only in an approved food service establishment.

180.1250 Pushcart food sales must be conducted within 200 feet (60 meters) of approved readily available toilet and hand washing facilities, or as otherwise approved by the Health Authority, to ensure proper sanitary facilities are available to the pushcart operator.

180.1260 All food displayed, sold or offered for sale from pushcarts must be prepackaged at a commissary or other approved food service establishment, except as provided in Section 180.010 and Section 180.1120. Potentially hazardous food items must not be prepared from a raw to finished state on a pushcart.

180.1270 The following foods may be exempted from the prepackaging requirements, provided the storage, preparation, display and dispensing methods are approved by the Health Authority.

1. Popcorn
2. Nuts
3. Produce
4. Pretzels and similar bakery products
5. Candy
6. Snow cones, and

7. Frankfurters

Hot and cold beverages, which are not potentially hazardous as defined in Section 010.110, may be sold from approved bulk dispensing units.

180.1280

Pushcarts on which non-prepackaged frankfurters, popcorn or snow cones are sold or offered for sale must be equipped and constructed with the following revisions using N.S.F. guidelines:

1. The food compartment must be completely closed. The opening to the food compartment must be sufficiently large enough to permit food assembly and service operations and must be provided with a tightly fitted closure, cover or lid. When closed, the closure must protect interior surfaces from dust, debris and vermin.
2. All food compartments and food contact surfaces must be constructed so as to be smooth, easily accessible and easily cleanable. Wood, except approved hardwood cutting boards, must not be used as a food contact surface.
3. A one (1)-compartment sink furnished with potable, warm-running water (100°F) for utensil washing must be provided. A separate sink must be provided, also equipped with potable warm-running water (100°F) for washing hands.
4. Hand washing cleanser and single-service towels must be present when pushcart is in use.
5. A water supply tank of at least five (5) gallons capacity must be installed.
6. A wastewater tank of at least six (6) gallons capacity must be installed.
7. Protective guards and a roof or an umbrella to protect against exposure to insects, rodents, dust or other contamination are required.

180.1290

In the event of an emergency, the pushcart must be easily movable, controllable and maneuverable by one (1) person when fully loaded. The bottom of the unit shall be at least eight (8) inches from the ground. The unit shall have wheels, which have a minimum diameter of seven and one-half (7.5) inches.

SECTION 181

BED AND BREAKFAST ESTABLISHMENTS

181.100

Except as provided in Section 181.105, food preparation and service in Bed and Breakfast establishments must be accompanied in conformity with all applicable provisions of the Health District's Regulations Governing Food Establishments.

181.105

The Health Authority may permit the operation of a Bed and Breakfast establishment without strict adherence to the provisions of the District's Regulations Governing Food Establishments if the establishment is operated under the following conditions:

1. The establishment may not serve food to more than ten (10) guests at any one time.
2. Food service is limited to those foods typically served for breakfast, such as eggs, pancakes, toast, french toast, waffles, rolls, pastries, hash browns, bacon, ham,

sausage, cheese, fresh or canned fruit juices and other breakfast beverages. No home canned, low acid foods may be served.

3. Dehydrated and fresh milk products must have been pasteurized prior to being served and must be produced at a facility permitted pursuant to Chapter 584 of NRS or similar laws of other jurisdictions. Fresh milk must be dispensed from its original container.
4. Food storage, preparation and service equipment such as refrigerators, stoves, hoods, dishwashers and eating utensils may be of residential quality and grade so long as they operate effectively, are in good repair and do not pose a potential health problem. The equipment must be installed in locations which allow for ready cleaning and which will not lead to contamination of food supplies.

SECTION 187

FARMERS' MARKETS

Intent of Regulation: The intent of this regulation is to establish regulatory requirements for farmers' markets, and to differentiate farmers' markets and their produce vendors from other temporary food establishments.

Scope of Regulations: The regulations apply only to those vendors selling produce at farmers' markets. All other food vendors selling food in affiliation with any farmers' market must comply with all applicable parts of Section 170 of these regulations.

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

187.015 The producer of the farm products to be sold at farmers' markets must be certified by the Department of Agriculture. A copy of the certification document from the Department of Agriculture shall be provided to the Health Authority.

187.020 Farmers' Markets Shall Meet All the Following Requirements

1. All food shall be stored at least five (5) inches (12.5 centimeters) off the floor or ground or under any other conditions that are approved by the Health Authority.
2. Food preparation is prohibited at farmers' markets with the exception of samples. Preparation and service of food samples is allowed, provided that the following sanitary requirements are met:
 - A. Samples shall be kept in approved, clean and sanitized containers.
 - B. All food samples shall be distributed by the producer in a sanitary manner.
 - C. Clean, disposable plastic gloves shall be used when cutting food samples.
 - D. Food intended for consumption shall be washed, or cleaned with potable water to remove soil or other contaminants.
 - E. Potable water shall be available for hand washing and sanitizing as approved by the Health Authority.

- F. Potentially hazardous food samples shall be maintained at or below 45°F. All other food samples shall be disposed of within two (2) hours after cutting.
- G. Utensil and hand washing water shall be disposed of in an approved sewerage system or in a manner approved by the Health Authority.
- H. Utensils and cutting surfaces shall be smooth, easily cleanable and nonabsorbent. This does not preclude the use of single-service utensils, such as toothpicks or similar items.
- I. Cutting boards and utensils used to cut, slice or prepare potentially hazardous food must be washed, rinsed and sanitized every two (2) hours. If facilities are not available to accomplish this, extra cleaned and sanitized utensils and cutting boards must be on site for use.

187.025 Produce stands must meet the construction set forth in Section 170.320 of these regulations.

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

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

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

187.055 FRESH EGGS

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

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

187.060 Except as otherwise provided in Subsection 1, it is unlawful for any person to operate a produce stand in conjunction with a farmers' market or sell food at a farmers' market unless he possesses a valid health permit issued to him by the Health Authority.

- 1. The Health Authority may exempt from the permitting requirement any person operating a produce stand in conjunction with a farmers' market, provided no produce samples are given or sold to consumers.

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

187.080 A permit application to operate a produce stand affiliated with a farmers' market must be accompanied by a fee set by the District Board of Health. A late fee will be assessed if the application and payment is not received a minimum of seven (7) days prior to beginning operations.

187.090 Issuance of an Annual Sampling Permit

1. Any person desiring to operate a produce stand in conjunction with a farmers' market must comply with the requirements of NRS 446.875. Upon compliance and after payment of a fee set forth in the fee schedule established by the District Board of Health, an annual permit, for sampling only, will be issued. The permit can be renewed annually, provided the renewal fee is paid prior to the expiration date of the existing permit and provided the permit has not been previously suspended or revoked for sanitation violations.
2. Upon making application to the Health Authority, the applicant will be provided with two (2) copies of the sanitation requirements for sampling. One copy will remain with the applicant for reference. The other copy must be signed by the applicant, indicating acknowledgement and receipt of the requirements, and must be returned with the application to the Health Authority.
3. Once issued, the permit is valid throughout Washoe County, providing notification is sent to the Health Authority, at least 14 days prior to operating at the locations where sampling is to be conducted. Notification must be done on forms provided by the Health Authority.
4. Sampling is restricted to produce. Only produce stands affiliated with a farmers' market are eligible for this permit.
5. The Health Authority may restrict the sampling and/or sale of food items based on inspection findings or an unacceptable risk to public health.

187.100 Operators of farmers' markets and vendors working farmers' markets are subject to enforcement action as outlined in Section 190 of this regulation and Nevada Revised Statutes, Chapter 446.

SECTION 190

COMPLIANCE AND ENFORCEMENT

190.100 Permit to Operate

After compliance with NRS 446.870 and 446.875, a permit to operate will be issued to the operator of the food establishment. The operator of the food establishment shall pay an annual or temporary permit fee in accordance with the fee schedule adopted by the Washoe County District Board of Health.

190.200**Inspections**

1. Inspections of a food establishment will be performed at a frequency determined by the Health Authority, but not less than once per calendar year. Additional inspections performed during a calendar year may be for, but are not limited to, the following:
 - A. A routine inspection resulting in a score of 89 or less;
 - B. No Certified Food Protection Manager available;
 - C. A documented substantial health hazard during routine inspection; or
 - D. A confirmed food borne illness.

Additional inspections and reinspections shall be performed as are necessary for the enforcement of these regulations. Additional fees may be assessed as set forth in the approved District Board of Health fee schedule.

2. The Health Authority, after providing proper identification, must be allowed to enter, at any reasonable time, any food establishment within the Washoe Health District for the purpose of making an inspection to determine compliance with these regulations. The Health Authority must be allowed to examine the records of the food establishment to obtain pertinent information regarding food and supplies purchased, received or used, and persons employed.
3. Whenever the Health Authority makes an inspection of a food establishment, the permit holder or operator shall be notified of the findings by means of a written inspection report or other written notice provided for this purpose. The Health Authority shall furnish the original of such an inspection report to the permit holder or the person-in-charge.
4. The inspection report shall state the violation, the corrective action to be taken to correct the violation and shall specify a reasonable time frame in which the corrective action is to be completed.
5. The inspection report shall state failure to complete the correction within the specified time frame or failure to initiate the appeal process set forth in Section 190.800 of these regulations will result in the suspension of the health permit.

190.300**Examination and condemnation of Food**

1. Food may be examined or sampled by the Health Authority as often as necessary to determine freedom from alteration or misbranding. The Health Authority, may, upon written notice to the owner, operator or person-in-charge, place a hold order on any food which he determines is or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded.
2. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on the food by the Health Authority. Neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of or destroyed without permission from the Health Authority, except by order of a court of competent jurisdiction.
3. After the owner, operator or person-in-charge has had a hearing as provided in NRS 446.895, and on the basis of evidence produced at such hearing or on the basis of his

examination in the event a written request for a hearing is not received within ten (10) days, the Health Authority may vacate the hold order, or may, by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of NRS 446. Such order of the Health Authority to denature or destroy such food or bring it into compliance with the provisions of NRS 446 shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

4. Food from food establishments outside the jurisdiction of the District Board of Health may be sold within the Washoe Health District if such food establishments conform to the provisions of these regulations or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Health Authority may accept reports from responsible authorities in the jurisdictions where such food establishments are located.

190.400 Grade of Food Establishments

1. Grade A – An establishment having a rating score of 90 or greater.
2. Grade B – An establishment having a rating score of 89 or less and under a compliance schedule, which specifies the time limits allowed to correct food service deficiencies.
3. When Health Authority posts a “B” grade, it shall be posted in a conspicuous location where it must remain visible until removed by the Health Authority.
4. Each food establishment’s grade will be determined by subtracting the total weighted point value of violations noted during an inspection from a value of one hundred (100).

190.500 Grading of Food Establishments

1. The Health Authority shall adopt a point weighted value system of critical and non-critical violations. Critical items will be valued at 5 or 4 points. Non-critical items will be valued at 2 or 1 points.
2. Correction of violations must be accomplished within the time frame specified by the Health Authority.
3. If a substantial health hazard exists, as defined in these regulations or weighted as a 5 point item, the Health Authority shall suspend the health permit and the establishment must immediately cease food service operations unless the violation is immediately corrected or an approved alternative for continued operation is found while the Health Authority is on the premises. Operations, once ceased, shall not be resumed until the health permit is reinstated by the Health Authority.
4. A second consecutive violation of a substantial health hazard noted during an inspection, even though immediately correctable under the provisions of these regulations, may result in the Health Authority initiating the process for revocation of the health permit.
5. Any violation weighted as a 4-point item must be corrected no later than 48 hours after the original inspection. The permit holder or person in charge must contact the Health Authority indicating that all 4 point weighted items have been corrected. A follow-up inspection shall be conducted by the Health Authority to confirm the correction.

6. If all 4 point weighted items have not been corrected within 48 hours following the original inspection, the Health Authority shall post a “B” grade for the establishment.
7. All 4 point weighted items not corrected within 48 hours of the original inspection must be corrected within 10 days of the posting of the “B” grade or, if the appeal process set forth in these regulations has not been initiated, the Health Authority shall suspend the health permit and the establishment must immediately cease food service operations. Operations, once ceased, shall not be resumed until reinstatement of the health permit by the Health Authority.
8. A third consecutive violation of a 4 point weighted item noted during an inspection, even though corrected as required by these regulations, may result in the Health Authority initiating the process for revocation of the health permit.
9. When the number of violations of 1 and 2 point weighted items is sufficient to justify the posting of a downgrade pursuant to these regulations, a sufficient number of 1 and 2 point weighted items must be corrected within 48 hours so that the total establishment rating score is 90 or above. A follow-up inspection by the Health Authority shall be conducted to confirm the correction.
10. If a sufficient number of 1 and 2-point weighted items has not been corrected within 48 hours following the original inspection, the Health Authority shall post a “B” grade.
11. 1 and 2 point items not corrected to a score of 90 or above within 48 hours of the original inspection must be corrected within 20 days of the posting of the “B” grade or, if the appeal process set forth in these regulations has not been initiated, the Health Authority shall suspend the health permit and the establishment must cease food service operations immediately. Operations, once ceased, may not be resumed until reinstatement of the health permit by the Health Authority.
12. A fourth consecutive violation of a 1 or 2 point weighted item noted during an inspection, even though corrected under the provisions of these regulations, may result in the Health Authority initiating the process for revocation of the health permit.

190.600 Food Protection Hearing and Advisory Board

1. There is hereby created a Food Protection Hearing and Advisory Board of the Washoe County District Health Department. The Food Protection Hearing and Advisory Board shall consist of seven (7) members appointed by the District Board of Health. At least two (2) members of the Food Protection Hearing and Advisory Board shall be representative of the local food service industry. At least three (3) members of the Food Protection Hearing and Advisory Board must be present in order to hold a hearing.
2. The Food Protection Hearing and Advisory Board shall hold hearings to:
 - A. Consider appeals to compliance action taken by the Health Authority on any permit required by these regulations;
 - B. Consider variance requests to any section of these regulations.

190.700 Notice, Suspension and Revocation of Permits

1. Whenever the Health Authority finds an unsanitary or other condition in the operation of a food establishment which, in his judgment constitutes a substantial hazard to the public health, he may, without warning, notice or hearing, issue a written Notice of Violation (NOV) to the permit holder or person-in-charge citing the condition, and specifying the time in which the corrective action must be completed.
2. The NOV may state that the permit is immediately suspended and all food operations must be immediately discontinued. Any person to whom a NOV is issued must comply within the time frame specified by the Health Authority. Upon written petition to the Health Authority, the person shall be afforded a hearing pursuant to Section 190.800 of these regulations.
3. A reinspection will be conducted to determine compliance with the corrective action stated in the NOV. The food establishment permit will be reinstated only after the violations have been corrected and operations shall not be resumed until authorized by the Health Authority.
4. Any permit or certificate shall be suspended or revoked for the practice of fraud or deceit in obtaining or attempting to obtain or renew a certificate or permit.
5. Any permit or certificate may be suspended or revoked for serious or repeated violations of these regulations.
6. Any person who violates any part of these regulations is guilty of a misdemeanor. Violators may be subject to warning, criminal citation, criminal complaint or other legal action deemed necessary to protect public health.

190.800

Hearings

1. An aggrieved person may bring an appeal before the Food Protection Hearing and Advisory Board when:
 - A. Any permit or certificate, as required by these regulations, has been issued, denied, renewed, suspended, or revoked, and said action has adversely affected said person in any manner.
 - B. The Health Authority has taken any action pursuant to the authority of these regulations, which has adversely affected said person in any manner.
2. All appeals to the Food Protection Hearing and Advisory Board shall be initiated by filing a petition or written notice of appeal to the office of the Health Authority within ten (10) business days after the person bringing the appeal has received any order, been subject to any action, or has had a permit or certificate, required by these regulations, issued, denied, renewed, suspended or revoked by the Health Authority.
3. For serious or repeated violations of any of the requirements of these regulations or for interference with the Health Authority in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing before the Food Protection Hearing and Advisory Board. Before taking such action, the Health Authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder of the requirements for filing a request for a hearing. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

4. The Health Authority may permanently revoke a permit after ten (10) days following service of the notice unless a request for a hearing is filed with the Health Authority by the permit or certificate holder within ten (10) days.
5. The hearing provided for in this section must be conducted by the Food Protection Hearing and Advisory Board at a time and place designated by the Health Authority. Based upon the record of the hearing, the Food Protection Hearing and Advisory Board shall make a finding and make recommendation to the District Health Officer to sustain, modify or rescind an official notice or order considered in the hearing.
6. After completion of the hearing, the findings and recommendation(s) of the Food Protection Hearing and Advisory Board, along with transcripts and evidence from the hearing, shall be transmitted to the District Health Officer who will make the final decision on whether or not to sustain, modify or rescind any official notices or orders considered during the hearing. If the District Health Officer finds that evidence exists to support suspension or revocation of the certificate or permit, he shall issue a written decision to take action accordingly.
7. A copy of the written findings and the final decision by the District Health Officer shall be sent by certified mail, return receipt requested, to the permit or certificate holder by the Health Authority.

190.900 Failure to Comply

1. After the Health Authority has notified the owner, operator or person-in-charge of any violation of these regulations, it shall be unlawful for that person to refuse or fail to correct these violations within the time limits set in the notice.

190.950 Interference with the Performance of Duty

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

190.975 Penalties and Prosecution

1. Pursuant to NRS 446.943, the District Attorney shall prosecute any person who violates any provision of these regulations.
2. Pursuant to NRS 446.945, any person who violates any provision of these regulations is guilty of a misdemeanor. In addition, such a person may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

SECTION 195

FOOD BORNE ILLNESS – FOOD RELATED INJURY

195.005 When a food borne illness incident or food related injury is reported to any employee of a food establishment, the employee shall notify the operator of the establishment of that fact. The operator must immediately report the incident to the Health Authority and remove from sale and refrigerate any suspect foods until released by the Health Officer.

195.020 When the Health Authority suspects that a food establishment, or its employees, may be a source of disease, he shall take appropriate action to control the transmission of disease. Such action may include, but is not limited to, any or all of the following:

1. Securing records that may enable identification of persons potentially exposed to the disease, and/or requiring additional assistance in locating such persons. This includes records of hotels, motels or other lodging facilities in which the food establishment is located or which are adjacent to the food establishment;
2. Securing an illness history of any foodservice employee(s);
3. Excluding employee(s) from working in the food establishment until, in the opinion of the Health Authority, there is no further risk of disease transmission;
4. Closing the food establishment until, in the opinion of the Health Authority, there is no further risk of disease transmissions;
5. Restricting the work activities of any employee(s);
6. Requiring medical and laboratory examinations of any foodservice employee and of his body discharge;
7. Obtaining samples of any suspect food for laboratory examination;
8. Requiring the destruction of suspect food or preventing it from being served.

SECTION 200

SEVERABILITY

200.010 If any provision of these regulations or any application thereof to any person, thing or circumstance is held invalid, the Washoe County District Board of Health intends that such invalidity not affect the remaining provisions of applications to the extent that they cannot be effective.

Amendments, additions and deletions adopted by the Washoe County District Board of Health on October 25, 2007 and approved by the Nevada State Board of Health pursuant to Nevada Revised Statutes 446.940 on December 7, 2007.