

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

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~~*Deletions are in this font.*~~

CHAPTER 446 - FOOD ESTABLISHMENTS

Authority. NRS 439.150, NRS 439.200, NRS 446.940

NEW SECTIONS START HERE

Section 1. Chapter Amendment. Chapter 446 of NAC is hereby amended by changing the provisions set forth in Section 2 to Section XX inclusive of this regulation.

Section 2. *Adoption of certain publications by reference; revision of publication after adoption.*

1. The State Board of Health hereby adopts by reference the United States Food and Drug Administration Model Food Code, (FDA Model Food Code) 2005 Edition with the following exceptions:

(a) The definition of Drinking Water on page 5 of the FDA Model Food Code. Any other use of the term Drinking Water“ in the FDA Model Food Code will be substituted by, and defined as, “Potable Water” as defined in NAC 444.7664;

(b) The definition of Food on page 8 of FDA Model Food Code. Any other use of the term “Food” in the FDA Model Food Code will be substituted by, and defined as, “Food” as defined in NRS 446.017;

(c) The definition of Food Establishment on page 8-9 of the FDA Model Food Code. Any other use of the term “Food Establishment” in the FDA Model Food Code will be substituted by, and defined as, “Food Establishment” as defined in NRS 446.020;

(d) The definition of a Food Processing Plant on page 9 of the FDA Model Food Code. Any other use of the term “Food Processing Plant” in the FDA Model Food Code will be substituted by, and defined as, “Food Processing Establishment” as defined in NRS 446.035;

(e) The definition of Imminent Health Hazard on page 11 of the FDA Model Food Code. Any other use of the term “Imminent Health Hazard” in the FDA Model Food Code will be substituted by, and defined as, “Substantial Health Hazard ” as defined in Section 50, NAC 446.035;

(f) The definition of a Potentially Hazardous Food on page 14-16 of the FDA Model Food Code. Any other use of the term “Potentially Hazardous Food (Time/Temperature Control for Safety Food)” in the FDA Model Food Code will be substituted by, and defined as, “Potentially Hazardous Food” as defined in NRS 446.057;

(g) The definition of a Variance on page 21 of the FDA Model Food Code. Any other use of the term “Variance” in the FDA Model Food Code will be substituted by, and defined as, “Approval for an Alternate Method of Compliance” as defined in Section 14, “Approval for an Alternate Method of Compliance; Documentation;

(h) The definition of Temporary Food Establishment on page 21 of the FDA Model Food Code. Any other use of the term “Temporary Food Establishment ” in the FDA Model Food Code will be substituted by, and defined as, “Temporary Food Establishment” as defined in NRS 446.067;

(i) Section 3-202.16 “Ice” on page 54 of the 2005 Model Food Code;

(j) Section 2-402.11 “Effectiveness” on page 45 of the 2005 Model Food Code;

(k) Section 3-501.16 (2) (b i and ii) “Potentially Hazardous Food (Time/Temperature Control for Safety Food), Hot and Cold Holding” on page 82 of the 2005 FDA Model Food Code,” and any temperature reference to Section 3-501.16 (2)(b i and ii), including but not limited to, the references in Sections 3-501.12 (A), 3-501.13 (A)(B)(3)(4)(4 b), and 3-501.14 (A 2)(B)(C);

(l).Section 3-501.17 “Ready-to-Eat, Potentially Hazardous Food (Time/Temperature Control for Safety Food), Date Marking” part (A) (2) (a) and (b) on page 83 of the 2005 FDA Model Food Code;

(m).Section 3-501.19 “Time as a Public Health Control” part (C) on page 87 of the 2005 FDA Model Food Code;

(n) Chapter 5, “Water Plumbing and Waste” in its entirety of the 2005 FDA Model Food Code. Any reference to Chapter 5 in the FDA Model Food Code will be substituted by applicable regulations of Chapter 446 of NAC;

(o) Section 6-202.13 (A) and (B) “Insect Control Devices, Design and Installation” on page 169 of the 2005 FDA Model Food Code;

(p) Section 6-202.14 “Toilet Rooms, Enclosed” on page 169 of the 2005 FDA Model Food Code.

(q) Section 6-202.110 “Outdoor Refuse Areas, Curbed and Graded to Drain” on page 171 of the 2005 FDA Model Food Code;

(r) Section 6-301.10 “Minimum Number” on page 172 of the 2005 FDA Model Food Code;

(s) Section 6-301.11 “Handwashing Cleanser, Availability” on page 172 of the 2005 FDA Model Food Code;

(t) Section 6-301.12 “Hand Drying Provision” on page 172 of the 2005 FDA Model Food Code;.

(u) Section 6-301.13 “Handwashing Aids and Devices, Use Restrictions” on page 173 of the 2005 FDA Model Food Code;

(v) Section 6-301.14 “Handwashing Signage” on page 173 of the 2005 FDA Model Food Code;

(w)Section 6-301.20 “Disposable Towels, Waste Receptacles” on page 173 of the 2005 FDA Model Food Code;

(x) Section 6-302.11 “Toilet Tissue, Availability” on page 173 of the 2005 FDA Model Food Code;

(y) Section 6-401.10 “Conveniently Located” on page 175 of the 2005 FDA Model Food Code;

(z) Section 6-405.10 “Receptacles, Waste Handling Units, and Designated Storage Areas” on page 176 of the 2005 FDA Model Food Code;

(aa)Section 6-501.17 “Absorbent Materials on Floors, Use Limitation.” on page 177 of the 2005 FDA Model Food Code; and

(bb) Chapter 8, “Compliance and Enforcement” in its entirety of the 2005 FDA Model Food Code. Any reference to Chapter 8 in the FDA Model Food Code will be substituted by applicable regulations of Chapter 446 of NAC.

This publication is available at no cost on the internet at <http://health.nv.gov> (then go to the Bureau of Health Protection Services, then Environmental Health) or by mail from the U.S. Department of Commerce Technology Administration National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, or by telephone at (703) 605-6000, refer to report number PB 2005102200 when ordering. The price is \$59.00 per copy plus handling. This publication is also available on the NTIS website (<http://www.ntis.gov>) for \$59.00.

2. All food establishments must comply with the United States Food and Drug Administration Model Food Code, 2005 Edition as adopted by reference in subsection 1.

Section 4. “Health Authority” defined. *“Health Authority” has the meaning ascribed to it in NRS 446.050.*

Section 5. “High Risk Factor” defined. *“High Risk Factor” means a condition or factor in a food establishment that is more likely to create a situation in which incidents of a foodborne disease outbreak may occur if proper procedures are not followed. Examples of high risk factors include the following: poor personal hygiene or non-reporting of employee illness; improper temperatures in hot and cold holding and cooling scenarios; contaminated equipment or cross contamination; inadequate cooking; and food from unsafe sources.*

Section 6. “High Risk Food Establishment” defined. *“High Risk Food Establishment” means a food establishment that has, but is not limited to, handling of raw ingredients; routine bare or gloved-hand contact with food; complex food preparation including cooking, cooling, holding, or reheating and subsequent hot holding, of potentially hazardous foods; or an extensive menu. The definition includes, but is not limited to, full-service restaurants, kitchens at hospitals and nursing homes, buffets, delicatessens, caterers, complex cuisine operations, bakeries, and establishments conducting processing at retail. High Risk Food Establishment also includes establishments serving a highly susceptible population or conducting specialized processes, such as smoking, curing, or reduced oxygen packaging for extended shelf-life.*

Section 7. “Potable water” defined. *“Potable water” means water that has been obtained from an approved source that is permitted by the Bureau of Safe Drinking Water of the Nevada Division of Environmental Protection or the local administrative authority and shall meet 40 CFR 141 - National Primary Drinking Water Regulations and state drinking water quality standards.*

Section 9. Conditioning Device Design.

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

Section 10. Water Reservoir of Fogging Devices, Cleaning.

- 1. A reservoir that is used to supply water to a device such as a produce fogger shall be:
(a.) Maintained in accordance with manufacturer’s specifications; and*

(b.) Cleaned in accordance with manufacturer's specifications. In the absence of actual manufacturer's specifications on-site, the procedures specified under subparagraph 2 of this section shall be followed.

2. Cleaning procedures shall include at least the following steps and shall be conducted at least one time per month:

(a.) Drainage and complete disassembly of the water and aerosol contact parts;

(b.) Brush cleaning the reservoir, aerosol tubing and discharge nozzles with a suitable detergent solution;

(c.) Flushing the complete system with water to remove the detergent solution and particulate accumulation; and

(d.) Rinsing by immersing, spraying or swabbing the reservoir aerosol tubing and discharge nozzles with at least 50 ppm hypochlorite solution.

(e.) Maintain a cleaning log.

Section 11. Service Sink.

At least one service sink or 1 curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.

Section 12. Prohibition of Lead Solder.

The Use of lead solder on lines carrying potable water is prohibited.

Section 14. Approval for an Alternate Method of Compliance (AAMC); HACCP; Documentation.

1. A Food Establishment shall obtain an Approval for an Alternate Method of Compliance (AAMC) from the health authority before:

(a) the utilization of a Hazard Analysis Critical Control Point (HACCP) plan as required by NAC 446 or the 2005 FDA Model Food Code. HACCP is defined in the 2005 FDA Model Food Code, and pertains, but is not limited to, to the following activities:

(1) smoking food as a method of food preservation,

(2) curing food,

(3) using a food additive or other component as a method of food preservation or to render a food not potentially hazardous,

(4) packaging food using a reduced oxygen packaging method,

(5) the initiation of other activities specified under Section 3-502.11 of the 2005 FDA Model Food Code,

(6) any other food preparation or processing method for which the health authority has required a HACCP plan,

(b) utilizing an advance in technology such as the use of technologically-superior materials or equipment, or an alternative method of construction or operation.

2. Approval for an Alternate Method of Compliance (AAMC) shall not be associated with a hardship nor be detrimental to the public health.

3. A request for Approval for an Alternate Method of Compliance from a single requirement of NAC 446 or the 2005 FDA Model Food Code shall be submitted in writing and must be accompanied by a non-refundable application fee. The proposed Alternate Method of Compliance must be approved by the Agency Administration. The health authority shall

retain the Approved Alternative Method of Compliance information in its records for the food establishment, and the approval is non-transferable. The approval can be revoked if technology changes, the applicant fails to follow the alternate method as approved, or the industry changes where it is no longer practical.

4. The information that shall be provided by the person requesting the Approval for an Alternate Method of Compliance includes:

(a) A statement of the applicant's proposal citing relevant NAC 446 and/or 2005 FDA Model Food Code section numbers;

(b) An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant Code sections will be alternatively addressed by the proposal; and

(c) A HACCP plan, if required, relevant to the requested Alternate Method of Compliance.

Section 15. Compliance with Approved Alternate Method of Compliance (AAMC).

If the health authority grants an Approval for an Alternate Method of Compliance, the permit holder shall comply with the HACCP plans and procedures or other alternate methods or materials that were submitted and approved as a basis for the Alternate Method of Compliance.

Section 17. Contents of a HACCP Plan.

For a food establishment that is required to have a HACCP plan, the plan and specifications shall indicate:

1. A categorization of the types of potentially hazardous food that are specified in the menu such as soups and sauces, salads, and bulk, solid foods such as meat roasts, or other foods that are specified by the health authority;

2. A flow diagram by specific food or category type identifying critical control points and providing information on the following:

(a) Ingredients, materials, and equipment used in the preparation of that food, and

(b) Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;

3. Food employee and supervisory training plan that addresses the food safety issues of concern;

4. A statement of standard operating procedures for the plan under consideration including clearly identifying:

(a) Each critical control point,

(b) The critical limits for each critical control point,

(c) The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge,

(d) The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points,

(e) Action to be taken by the person in charge if the critical limits for each critical control point are not met, and

(f) Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed; and

5. Additional scientific data or other information, as required by the health authority, supporting the determination that food safety is not compromised by the proposal.

Section 18. *Submission of Application for Permit to Operate Food Establishment 60 Calendar Days Before Proposed Opening.*

An applicant shall submit an application for a permit at least 60 calendar days before the date planned for opening a food establishment.

Section 19. *Qualifications and Duty of Permit Applicants.*

To qualify for a permit, an applicant shall:

- 1. Be an owner of the food establishment or an officer of legal ownership;*
- 2. Pay the applicable permit fees at the time application is submitted.*

Section 20. *Contents of the Permit Application.*

In addition to the requirements of NRS 446.875, the applicant must provide the following information:

- 1. The name, mailing address, telephone number, and signature of the person applying for the permit and the name, mailing address, and location of the food establishment;*
- 2. A statement specifying whether the food establishment:*
 - (a) Is mobile or stationary and temporary or permanent, and*
 - (b) Is an operation that includes one or more of the following:*
 - (1) Prepares, offers for sale, or serves potentially hazardous food*
 - (i) Only to order upon a consumer's request,*
 - (ii) In advance in quantities based on projected consumer demands and discards food that is not sold or served at an approved frequency, or*
 - (iii) Using time as the public health control,*
 - (2) Prepares potentially hazardous food in advance using a food preparation method that involves two or more steps which may include combining potentially hazardous ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing,*
 - (3) Prepares food for delivery to and consumption at a location off the premises of the food establishment where it is prepared,*
 - (4) Prepares food for service predominately to a highly susceptible population including preschool age children, or older adults (e.g., senior center).*
 - (5) Prepares only food that is not potentially hazardous, or*
 - (6) Does not prepare, but offers for sale only prepackaged food that is not potentially hazardous;*
- 3. The name, title, address, telephone number of the person directly responsible for the food establishment;*
- 4. A fax number or valid e-mail address of the person directly responsible for the food establishment, for recall and advisory notification purposes;*
- 5. The name, title, address, telephone number, fax number and e-mail address of the person who functions as the immediate supervisor of the person specified under subsections 4 and 5 of this section such as the zone, district, or regional supervisor;*
- 6. A statement signed by the applicant that:*
 - (a) Attests to the accuracy of the information provided in the application, and*
 - (b) Affirms that the applicant will:*
 - (1) Comply with NAC Chapter 446, and*
 - (2) Allow the health authority access to the establishment and to the required records, and*
- 7. Other information required by the health authority.*

Section 21. *When Plans Are Required.*

A permit applicant or permit holder shall submit to the health authority properly prepared plans and specifications for review and approval, and a non-refundable plan review fee, 60 calendar days before:

- 1. The construction of a food establishment, including a portion of a larger structure where a food establishment is planned and is shown on the design plans;*
- 2. The conversion of an existing structure for use as a food establishment;*
- 3. The remodeling of a food establishment or a change of type of food establishment or food operation as specified under NRS 446.930 if the health authority determines that plans and specifications are necessary to ensure compliance with NAC Chapter 446; or*
- 4. Re-opening a food establishment under new ownership, if the ownership change occurs twenty-four (24) or more months after the food establishment's previous owner received a plan approval and initial permit.*

Section 22. *Contents of the Plans and Specifications.*

The plans and specifications for a food establishment shall include, as required by the health authority based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate conformance with Code provisions:

- 1. Plan application;*
- 2. Intended menu;*
- 3. Anticipated volume of food to be stored, prepared, and sold or served;*
- 4. Proposed layout, mechanical schematics, construction materials, and finish schedules;*
- 5. Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;*
- 6. Evidence that standard procedures that ensure compliance with the requirements of NAC Chapter 446 are developed or are being developed; and*
- 7. Other information that may be required by the health authority for the proper review of the proposed construction, conversion or modification, and procedures for operating a food establishment.*

Section 23. *Change of Ownership of Existing Establishments*

The health authority may issue a permit to a new owner of an existing food establishment after a properly completed application is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the establishment is in compliance with NAC Chapter 446.

Section 24. *Permits Not Transferable.*

Permits are not transferable pursuant to NRS 446.875(5).

Section 25. *Responsibilities of the Permit Holder.*

Upon acceptance of the permit issued by the health authority, the permit holder in order to retain the permit shall:

- 1. Post the permit in a location in the food establishment that is conspicuous to consumers pursuant to NRS 446.875 (5)(b);*
- 2. The operator of the food establishment shall maintain a copy of the last health inspection report, readily available for review by the general public;*

3. A permitted food establishment shall post notice of availability of the most recent health inspection report. The notice shall be in the form of a sign and shall state in clear, legible letters at least one-half inch high: "This establishment is inspected by the (name of health authority). A copy of the most recent inspection report may be viewed at this facility upon request, or at the office of the (health authority)." The sign shall include the most recent telephone numbers for the health authority, and the health authority webpage address. The sign shall be conspicuously displayed to the public with the current permit;

4. Comply with the provisions of NAC Chapter 446 including the conditions of a granted Approval for an Alternate Method of Compliance, and the approved plans;

5. Post a sign concerning alcoholic beverage consumption and birth defects, pursuant to NRS 446.842;

6. If a food establishment is required to operate under a HACCP plan, comply with the approved plan;

7. Immediately contact the health authority to report an illness of a food establishment employee or conditional employee as specified under Chapter 2 subsection 2-201.11(B) of the 2005 FDA Model Food Code;

8. Immediately discontinue operations and notify the health authority if a substantial health hazard may exist as specified under 446.XXX, "Ceasing Operations and Reporting."

9. Allow the health authority access to the food establishment pursuant to NRS 446.890;

10. Except as specified under NAC 446.275, replace existing facilities and equipment with facilities and equipment that comply with NAC Chapter 446 if:

(a) The health authority directs the replacement because the facilities and equipment constitute a substantial health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were accepted, or

(b) The health authority directs the replacement of the facilities and equipment because of a change of ownership.

11. Upgrade or replace refrigeration equipment as specified under subparagraph 10 (a) and (b), if the circumstances specified under subparagraphs 10 (c) of this section do not occur first,

12. Comply with directives of the health authority including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the health authority in regard to the permit holder's food establishment or in response to community emergencies;

13. Accept notices issued and served by the health authority according to law; and

14. Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with NAC Chapter 446 or a directive of the health authority, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

Section 26. Trade Secrets.

The health authority shall treat as confidential in accordance with law, information that meets the criteria specified in law for a trade secret and is contained on inspection report forms and in the plans and specifications submitted.

Section 31. Inspection Documentation and Observations.

The health authority shall document on an inspection report form:

1. Administrative information about the food establishment's legal identity, street and mailing addresses, type of establishment and operation, inspection date, and compliance status of applicable "high risk factors" including the following:

- a. poor personal hygiene or non-reporting of employee illness,*
- b. improper temperatures in hot and cold holding and cooling scenarios,*
- c. contaminated equipment or cross contamination,*
- d. inadequate cooking, and*
- e. food from unsafe sources.*

2. Other information such as type of water supply and sewage disposal, status of the permit, and personnel certificates that may be required; and

3. Specific factual observations of violative conditions or other deviations from NAC Chapter 446 that require correction by the permit holder.

Section 32. Employee Illness Log.

The permit holder or Person In Charge (PIC) shall maintain an employee illness log in which incidents of employee illness are documented to include symptoms, dates of illness and duration of illness. The log shall be maintained at the establishment and available for review by the Health Authority upon request. The PIC shall have access to the employee illness log.

Section 33. Issuing Report and Obtaining Acknowledgment of Receipt.

In addition to the requirements of NRS 446.890, at the conclusion of the inspection and according to law, the health authority shall provide a copy of the completed inspection report and the notice to correct violations to the permit holder or to the person in charge, and request a signed acknowledgment of receipt.

Section 34. Ceasing Operations and Reporting.

A permit holder shall immediately discontinue operations and notify the health authority if an substantial health hazard may exist because of an emergency such as a fire, flood, interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstance that may endanger public health.

Section 35. Resumption of Operations.

If operations are discontinued, the permit holder shall obtain approval from the health authority before resuming operations as specified in NRS 446.880.

Section 36. Timely Correction of Critical Items.

1. Except as specified in subsection 2. of this section, a permit holder shall at the time of the inspection correct a violation of a critical item of NAC Chapter 446 and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.

2. Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the health authority may agree to or specify a longer time frame, not to exceed 10 calendar days after the inspection, for the permit holder to correct violations of a critical item or HACCP plan deviations.

Section 39. *Enforcement.*

The health authority shall take steps to achieve compliance with the provisions of NAC Chapter 446, pursuant to NRS 446.

Section 40. *Requirement for Food Protection Manager Certification*

Based on the risks inherent to the food operation, during inspections and upon request, the Person In Charge shall demonstrate to the health authority knowledge of foodborne disease prevention, application of the Hazard Analysis and Critical Control Point principles, and the requirements of NAC Chapter 446 by being a food protection manager that is certified by a food protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency, or by completing other training acceptable to the health authority.

AMENDED SECTIONS START HERE

Section 42. NAC 446.012 is hereby amended to read as follows:

NAC 446.012 “Bulk food” defined. “Bulk food” means processed or unprocessed food in aggregate containers from which quantities desired by the customer are withdrawn, *such as a self-service operation.*

Section 43. NAC 446.013 is hereby amended to read as follows:

NAC 446.013 “Extensively remodeled” defined. “Extensively remodeled” means the construction, building, repair or alteration of, or installation of new equipment in, a food establishment which requires a permit from the health authority ~~H~~ *or* local building department ~~for as stated in the Uniform Plumbing Code or Uniform Building Code~~.

Section 44. NAC 446.014 is hereby amended to read as follows:

NAC 446.014 “Food processing establishment” defined. “Food processing establishment” has the meaning ascribed to it in [NRS 446.035](#) and includes *but is not limited to*, any establishment that:

1. Processes:
 - (a) Vitamins;
 - (b) Food supplements;
 - (c) Food additives;
 - (d) Spices;
 - (e) Tea;
 - (f) Coffee;
 - (g) Salsa;
 - (h) Jelly or jam;
 - (i) Condiments; or
 - (j) Candy; or
2. Cans food or packages food in packaging with a modified atmosphere.

Section 45. NAC 446.015 is hereby amended to read as follows:

NAC 446.015 “Mobile unit” defined. ([NRS 439.200](#), [446.940](#)) “Mobile unit” means any vehicle operating from an approved servicing ~~depot~~ *area* in which food, beverages, frozen desserts or dairy products and mixes are prepared, processed or converted for human

consumption and which is used to sell and dispense food and beverages to customers. The term does not include a push cart or any similar operation.

Section 46. NAC 446.016 is hereby amended to read as follows:

NAC 446.016 “Ornamental attraction of water” defined. “Ornamental attraction of water” means a fountain or similar aesthetic feature filled with water that is used for decorative purposes only. ~~{and is found in the dining area of a food establishment.}~~

Section 47. NAC 446.0146 is hereby amended to read as follows:

NAC 446.0146 “Health Division” defined. “Health Division” means the Health Division of the Department of *Health and Human Services*. ~~{Human Resources.}~~

Section 48. NAC 446.024 is hereby amended to read as follows:

NAC 446.024 “Portable unit for service of food” defined. “Portable unit for service of food” means a piece of equipment operated within a building and pursuant to a contract with a food establishment or an approved servicing ~~{depot,}~~ *area* for the preparation and service of a limited menu that has been approved by the health authority.

Section 49. NAC 446.025 is hereby amended to read as follows:

NAC 446.025 “Potentially hazardous food” defined.

1. “Potentially hazardous food” *has the meaning ascribed to it in NRS 446.057 and includes, but is not limited to, a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:*

(a) ~~{Food that consists, in whole or in part, of milk, products made from milk, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms.}~~ *The rapid and progressive growth of infectious or toxigenic microorganisms;*

(b) ~~{Cereals, fruits, vegetables and dairy products, such as cooked rice, eggs, other than powdered eggs, baked or boiled potatoes, moist soy protein products, any mixture that includes garlic in oil, melons that have been cut, sliced or otherwise breached, whipped butter, products of margarine that contain butter or raw seed sprouts, that have been declared by the health authority to be potentially hazardous.}~~ *The growth and toxin production of Clostridium botulinum; or:*

(c) *In raw shell eggs, the growth of Salmonella enteritidis.*

~~{2. The term does not include foods which have a pH level of 4.1 or below or a value of water activity of 0.85 or less.~~

~~— 3. Synthetic ingredients used in pastry or baked products may be excluded from this definition if a report from an approved laboratory stating that the ingredients will not support the rapid and progressive growth of infectious or toxigenic microorganisms is filed with the health authority.}~~

2. “Potentially hazardous food” *includes, but is not limited to, 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; raw cut tomatoes (such as sliced, diced, chopped, and pureed tomatoes); and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth as specified in this section.*

3. “Potentially hazardous food” *does not include:*

- (a) An air-cooled hard-boiled egg with its shell intact or a shell egg that is not hard-boiled, but has been treated to destroy all viable Salmonellae;*
- (b) A food with an aw value of 0.85 or less;*
- (c) A food with a pH level of 4.6 or below when measured at 75°F (24°C);*
- (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 S. enteritidis in eggs or C. botulinum can not occur, such as a food that has a aw and a pH that are above the levels specified under paragraph 3(b) and 3(c) of this definition 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 under subsection 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.*

Section 50. NAC 446.035 is hereby amended to read as follows:

NAC 446.035 “Substantial health hazard” defined. “Substantial health hazard” means any violation of the provisions of this chapter *or the adopted provisions referenced within this chapter* which *have the potential to risk or cause injury to public health.* ~~It can injure the health of customers.~~

Section 51. NAC 446.040 is hereby amended to read as follows:

NAC 446.040 Severability. If any provision of this chapter *or the adopted provisions referenced within this chapter* or any application thereof to any person, thing or circumstance is held invalid, it is intended that such invalidity not affect the remaining provisions or applications to the extent that they can be given effect.

Section 52. NAC 446.042 is hereby amended to read as follows:

NAC 446.042 Exemption from requirements; revocation of exemption.

1. For a food establishment to be exempted pursuant to the provisions of NRS 446.870, it must:

- (a) Provide restroom facilities for its employees that meet the requirements of NAC 446.445*
- (b) Not serve, sell, give away, display or store potentially hazardous food.*
- ~~It (b) (c)~~ *(c) Store all food to be sold or offered for sale within the establishment.*
- ~~It (c) (d)~~ *(d) Ensure that the display or storage of food meets the requirements of NAC 446 and all applicable provisions of the 2005 FDA Model Food Code* inclusive.
- ~~It (d) (e)~~ *(e) Ensure that food is not consumed on the premises.*
- ~~It (e) (f)~~ *(f) Not offer seating to the public.*
- ~~It (f) (g)~~ *(g) Ensure that the primary business of the establishment is not related to food and that the portion of the establishment that is related to food does not occupy more than 25 percent of the total area of the establishment.*

2. The food sold or offered for sale by a food establishment that has been exempted pursuant to the provisions of NRS 446.870 may include:

- (a) Commercially canned or bottled beverages;*

- (b) Coffee or coffee beans;
- (c) Prepackaged snacks and candies; and
- (d) Prepackaged food supplements such as spices, teas and herbs.

3. The handling of food, including cooking food, opening containers of bulk food and repackaging or processing food of any kind, is not allowed within such an establishment.

4. If a food establishment fails to comply with the requirements of this section, the health authority shall revoke the exemption and close the portion of the establishment that sells food. A food establishment that has had its exempt status revoked must obtain a permit pursuant to the provisions of [NRS 446.875](#) before resuming any operation of a food establishment.

Section 53. NAC 446.045 is hereby amended to read as follows:

NAC 446.045 Substantial health hazards. Substantial health hazards include, but are not limited to, the following circumstances:

1. Food from an unapproved or unknown source, or food which is or may be adulterated, *improperly labeled or date marked*, contaminated, *evidence of temperature abuse* or *be* otherwise unfit for human consumption, is found in a food establishment.

2. Potentially hazardous food is held longer than ~~necessary~~ *established allowable time parameters specified in Chapter 3 of the FDA Model Food Code* for preparation or service at an ambient temperature which is greater than *41°F (5°C)* ~~40°F (4.44°C)~~ or less than *135°F (57°C)* ~~140°F (60°C)~~ or under any other condition capable of supporting the rapid growth of bacteria.

3. Potentially hazardous food served to customers or exposed to other contamination is served again.

4. A person infected with a communicable disease that can be transmitted by food is working as a food handler in an establishment.

5. Persons not practicing strict standards of cleanliness and personal hygiene which may result in the potential transmission of illness through food are employed in an establishment.

6. Equipment, utensils and working surfaces are not cleaned and sanitized effectively and may contaminate food during preparation, storage or service.

7. Sewage or liquid waste is not disposed of in an approved and sanitary manner, or the sewage or liquid waste contaminates or may contaminate any food, areas used to store or prepare food, or an area frequented by customers or employees.

8. Toilets and facilities for washing hands are not provided, properly installed, designed, *fully operable*.

9. The supply of potable water is not approved or does not meet the applicable requirements for sampling and public notification set forth in Chapter 445A of NRS and any regulations adopted pursuant thereto, and an operator does not use items intended for a single use and bottled water from an approved source.

10. A defect or condition exists in the system supplying potable water which may result in the contamination of the water and become a substantial health hazard.

11. Insects, rodents or other animals have contaminated food.

12. Toxic items are labeled, stored or used improperly or inadequately.

Section 54. NAC 446.050 is hereby amended to read as follows:

NAC 446.050 ~~Safety of food for consumption; use of food from private home; H~~ *Labeling of ~~certain foods~~ dietary supplements, processed and other foods.*

~~{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 food establishment.~~

~~— 5. Prepackaged sandwiches made for sale and consumption off the premises must have a label that 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 shown clearly as the three letters of the month followed by the date.~~

~~Frozen sandwiches that have been thawed must also be dated to indicate the last date of sale.}~~

~~{6. Food that is prepared and stored in a food establishment for later use must have a label that includes the contents and the date on which the food was prepared.}~~

1. Labels for dietary supplements must include:

(a) The name and place of business of the manufacturer, packer or distributor;

(b) The name of the supplement;

(c) The net quantity of the contents by capsule count;

(d) The directions for use including quantity of supplement to be taken per day;

(e) The supplement facts panel; and,

(f.) Other dietary ingredients in descending order of predominance.

2. In addition to the required labeling information, any ingredients, including those listed by the manufacturer as “other dietary ingredients” must be fully defined and explained when requested by the health authority to prove that the ingredients are safe for use.

3. Upon review of the dietary supplement a letter from the health authority shall be issued which states that the labels have been reviewed for content only and that the Bureau of Health Protection Services makes no implied or written warranty or guarantee as to the safety of these supplements.

4. Label reviews for dietary supplements shall follow the most current guidelines established by the United States Food and Drug Administration for label review.

~~{7.}~~ *5. Packages of food, including processed foods, dietary supplements and packages of food repackaged from bulk {that was} prepared in this State, that are for sale in a food establishment must have a label which has been approved by the health authority. Such labels must be reviewed and approved by the health authority and any fees required must be paid in full before any label may be used.*

Section 55. NAC 446.060 is hereby amended to read as follows:

NAC 446.060 *Retail Bulk food containers.*

~~{1. Bulk food must be labeled by common name if stored in something other than its original container unless the food can be identified.~~

~~—2. Bulk food sold at retail must be labeled with:~~

~~—(a) The bulk container labeling of the manufacturer or processor in plain view; or~~

~~—(b) A counter card, sign or other appropriate device, bearing prominently and conspicuously the common name of the product, a list of ingredients in descending order of predominance and a declaration of any artificial color or flavor or chemical preservative contained in the product.~~

~~—3. Labels or marking pens must be made available to customers to identify the food they select from a bulk container for purchase.}~~

~~{4} 1. Only containers in the display area that {comply with subsections 1 and 8 of NAC 446.215, NAC 446.230 and subsection 1 of NAC 446.235 may be filled with bulk food.} *are made from safe materials, resistant to corrosion, nonabsorbent, smooth, easy to clean and durable under conditions of normal use shall be used to store or display bulk food.*~~

2. Containers of bulk pet food and bulk nonfood items must be separated from food items by a barrier or open space of not less than 12 inches (30 centimeters).

3. Bulk food in retail stores must be dispensed only from containers that are protected by individual covers which fit tightly and the container depth is not more than 18 inches (45 centimeters).

Section 56. NAC 446.115 is hereby amended to read as follows:

NAC 446.115 *Refrigerated storage and processing of non-inspected meats and wild game.*

~~{1. There must be adequate facilities for refrigeration at a food establishment, which are conveniently located, to ensure that potentially hazardous food can be stored at the required temperature.~~

~~—2. Each refrigerated facility used to store potentially hazardous food must have at least one integral or permanently affixed indicating thermometer which is numerically scaled or a recording thermometer, accurate to plus or minus 2°F (1°C), located in the warmest part of the facility where it can be easily read.~~

~~—3. Potentially hazardous food which requires refrigeration after its preparation must be rapidly cooled to an internal temperature of 40°F (4.44°C) or below and then stored at or below that temperature.~~

~~—4. Large quantities of potentially hazardous food must be rapidly cooled utilizing such methods as shallow pans, dividing the food into smaller or thinner portions, agitation, quick chilling, adding ice as an ingredient or the circulation of water external to the container of food so that the period of cooling from 140°F (60°C) to 70°F (21°C) does not exceed 2 hours and from 70°F (21°C) to 40°F (4.44°C) does not exceed 4 hours.~~

~~—5. Frozen food must be kept frozen and stored at a temperature of 0°F (-18°C) or below.~~

~~—6. Ice may not be used as a food product after it has been used to cool the exterior of cooling coils, tubes of equipment or food, including packaged foods.}~~

~~{7} 1. In food establishments where meats that are not inspected, such as wild game, are processed to the order of customers, a minimum space of 5 feet (1.52 meters) or a physical barrier must be maintained in all refrigerated storage areas between meats which have been inspected and the meats that are not inspected. Any meat that is not inspected must be marked~~

“Not for Sale” on a tag that is attached to the meat. The tag must also indicate the owner’s name in clear and legible writing.

2. Meats that are not inspected, such as wild game, must be processed in such a manner as to ensure that cross-contamination of food or surfaces which may come into contact with food does not occur.

Section 57. NAC 446.125 is hereby amended to read as follows:

NAC 446.125 Preparation of food: ~~{General requirements.}~~ *Use of chilled ingredients for certain potentially hazardous foods.*

~~{1. Food must be prepared at a food establishment with the least possible manual contact, using gloves designed for a single use or suitable utensils on surfaces that have been cleaned, rinsed and sanitized to prevent contamination before being used.~~

~~—2. Surfaces which may come into contact with food and utensils in a food establishment must be cleaned and sanitized whenever there is a change in processing between species such as raw beef, raw pork, raw poultry or raw seafood, or a change in processing from raw foods to foods that are ready to eat. Salads and other foods that are ready to eat must be prepared in separate rooms or in areas that are separated from areas used for processing potentially hazardous raw food products by a barrier, an open space of at least 12 inches (30 centimeters) or in another manner approved by the health authority.}~~

~~{3.}~~ Potentially hazardous foods that are in a form to be consumed without further cooking, such as salads, sandwiches and filled pastry products, must be prepared from chilled ingredients *or cooled in accordance with NAC 446.*

~~{4. Meats that are not inspected, such as wild game, must be processed in such a manner as to ensure that cross-contamination of food or surfaces which may come into contact with food does not occur. The processing of meats that are not inspected must be conducted in areas or at times that have been approved by the health authority.}~~

Section 58. NAC 446.160 is hereby amended to read as follows:

NAC 446.160 ~~{Service of food.}~~ *Containers for Dairy products and nondairy creamers.*

1. Milk and products made from milk for drinking must be served in an unopened package which was commercially filled ~~{and does not exceed 1 pint (473 milliliters) in capacity,}~~ or must be drawn from a container which was commercially filled and stored in a dispenser which is mechanically refrigerated. If a dispenser for milk and products made from milk is not available ~~{and portions of less than ½ pint (236 milliliters) are required for mixed drinks, cereal or desserts,}~~ milk and products made from milk may be poured from a container which was commercially filled. ~~{and not larger than 1/2 gallon (1,893 milliliters) in capacity.}~~

2. Cream, half-and-half and nondairy creamers must be served in a container intended for a single use, a protected pitcher that pours, or drawn from a refrigerated dispenser designed for such service.

3. Milk and fluid milk products and fluid nondairy products or creaming agents may not be dispensed in vending machines as additional ingredients in hot liquid beverages or other foods.

Section 59. NAC 446.165 is hereby amended to read as follows:

NAC 446.165 Service and storage of fruit and vegetables.

1. Fruit or vegetables displayed or offered for sale must be at least 18 inches (45 centimeters) above the floor.
2. If a melon is cut, sliced or otherwise breached, it must be protected properly and:
 - (a) Stored at a temperature of ~~40°F (4.44°C)~~ **41° F (5° C)** or below; or
 - (b) Disposed of properly within 4 hours after the time it was cut, sliced or otherwise breached.
3. Fruits or vegetables must not be stored under anaerobic conditions where the temperature may exceed ~~40°F (4.44°C)~~ **41° F (5° C)**.

Section 60. NAC 446.175 is hereby amended to read as follows:

NAC 446.175 Preparation and service of ice.

1. 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.
2. 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.
3. Bins used for the storage of ice must be drained through an air gap.
5. Ice that has been packaged for sale at the establishment must be prepared in accordance with the provisions of ~~[NAC 446.050 to NAC 446.210, inclusive.]~~ **NAC 446.**
6. ***Ice for use as a food or cooling medium shall be made from potable water.***
- ~~5. Only those items necessary for dispensing, packaging or transporting ice may be stored on top of an ice machine.~~

Section 61. NAC 446.185 is hereby amended to read as follows:

NAC 446.185 Service of food: *Signage requirements at self service areas* ~~[Tableware and plates.]~~ (NRS 439.150, 439.200, 446.940)

- ~~[1. Except as otherwise provided in subsection 4, soiled tableware, including tableware intended for a single use, which has been used by customers who are serving themselves and returning to the serving areas for additional food, may not be used again.~~
- ~~—2.]~~ A sign must be posted to notify customers to use a clean plate each time they serve themselves. The sign must also state that no ~~[smoking or]~~ eating is allowed while serving food and that customers must use only the utensils provided for handling food.
- ~~[3. Tableware may be preset if:~~
- ~~—(a) It is wrapped to protect it from contamination or is preset no sooner than one meal period before it is used; and~~
- ~~—(b) Extra settings of preset tableware are removed from the table when the customers are seated.~~
- ~~—4. Cups and glasses are exempt from the requirements of this section.]~~

Section 62 . NAC 446.225 is hereby amended to read as follows:

NAC 446.225 Shelves.

1. All shelves located in refrigerators and freezers must be made of metal or plastic with surfaces which can be easily cleaned and must be completely portable or, for a walk-in

refrigerator or freezer, have wheels attached. These shelves may not be covered with ~~aluminum foil, metal sheets or~~ any ~~other~~ material that prevents the circulation of air within a refrigerator or freezer.

2. Shelves located in areas for dry storage may be made of wood which has been rendered nonabsorbent by a paint or sealant that:

- (a) Is of a light color;
- (b) Can be cleaned repeatedly; and
- (c) Has been approved by the health authority.

3. Shelves that are located in an area where food is prepared or an area where utensils are washed must be made of metal or plastic and have surfaces that can be cleaned easily and are resistant to corrosion.

4. Shelves constructed of pressure treated wood products which are impregnated or otherwise treated with chemicals to inhibit rotting or insect infestation are prohibited for use in a food establishment.

5. Shelving in a food establishment may not be covered or lined with cardboard, aluminum foil or contact paper.

Section 63. NAC 446.275 is hereby amended to read as follows:

NAC 446.275 Requirements for installation and maintenance of equipment installed before and after certain dates.

1. Equipment that was installed in a food establishment before ~~October 14, 1988~~ *January 1, 1997* and does not meet all of the requirements ~~of NAC 446.230 to 446.275, inclusive,~~ *specified in the 2005 FDA Model Food Code* may be acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition and the surfaces which may come into contact with food are not toxic.

2. All new and replacement equipment installed on or after January 1, 1997, must be certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program. In the absence of any above-referenced sanitation standards, equipment shall be approved by the health authority.

3. In establishments currently using two compartment sinks for continuous ware washing operations, a three compartment sink shall be required if the establishment undergoes remodeling, changes ownership, or as required by the health authority so that proper washing, rinsing and sanitizing of equipment and utensils may be conducted. Installation of a three compartment sink shall comply with the provisions set forth in NAC 446.420 and NAC 446.435 Subsection 1.

4. On the date of the adoption of the 2005 FDA Model Food Code and NAC Chapter 446 by the State Board of Health, all new facilities planning to manually ware wash shall install a three compartment sink as specified in section 4-301.12 of the 2005 FDA Model Food Code. Two compartment sinks shall not be allowed for continuous ware washing operations.

~~12. All new and replacement equipment installed after August 12, 1992, and before May 23, 1996, must:~~

~~—(a) Comply with all applicable standards of the NSF International in effect as of January 31, 1988; or~~

~~—(b) In the absence of any applicable standard, be approved by the health authority.~~

~~—3. All new and replacement equipment installed after May 23, 1996, must:~~

~~— (a) Comply with all applicable standards of the NSF International in effect as of May 23, 1996; or~~

~~— (b) In the absence of any applicable standard, be approved by the health authority.~~

~~— 4. A copy of the standards of the NSF International may be purchased from the NSF International, P.O. Box 130140, Ann Arbor, Michigan 48113-0140, at the following prices—~~

No. 1. Soda Fountain and Luncheonette Equipment.....	... \$35
No. 2. Food Service Equipment.....	... 40
No. 3. Commercial Spray Type Dishwashing Machines.....	... 40
No. 4. Commercial Cooking, Rethermalization and Powered Hot Food Holding and Transport Equipment.....	... 40
No. 5. Water Heaters, Hot Water, Supply Boiler and Heat Recovery Equipment.....	... 40
No. 6. Dispensing Freezers.....	... 35
No. 7. Food Service Refrigerators and Storage Freezers.....	... 25
No. 8. Commercial Powdered Food Preparation Equipment.....	... 35
No. 12. Automatic Ice Making Equipment.....	... 30
No. 18. Manual Food and Beverage Dispensing Equipment.....	... 30
No. 20. Commercial Bulk Milk Dispensing Equipment.....	... 25
No. 25. Vending Machines.....	... 25
No. 26. Pot, Pan and Utensil Washers.....	... 30
No. 29. Detergent Chemical Feeders for Commercial Spray Type Dishwashing Machines.....	... 25
No. 35. Laminated Plastics for Surfacing Food Service Equipment.....	... 25
No. 36. Dinnerware.....	... 25
No. 37. Air Curtains for Entrances in Food and Food Service Establishments....	... 40
No. 51. Plastic Materials and Components Used in Food Equipment.....	... 40
No. 52. Supplemental Flooring.....	... 25
No. 59. Food Carts.....	... 35

Section 64. NAC 446.395 is hereby amended to read as follows:

NAC 446.395 ~~{Source of}~~ Potable water.

1. Potable *hot and cold* water of a sufficient amount to meet the demands of a food establishment ~~{must be provided from a source that is approved by the health authority and licensed by the Health Division.}~~ *shall be provided and approved by the local health authority.*

~~{2. A food establishment that was issued a permit pursuant to the provisions of NRS 446.875 before September 16, 1992, may provide water which is not piped directly if all potable water which is not piped directly to the food establishment from the source is transported in a system for the transportation of water in bulk and is delivered to a water system which is closed. Both of these systems must be constructed, licensed, operated and approved by the Health Division.}~~

2. Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water.

Section 65. NAC 446.420 is hereby amended to read as follows:

NAC 446.420 Plumbing. All plumbing *including individual sewage disposal system piping* must be:

1. Properly sized, installed and maintained *in good repair* by the owner of an establishment; *Installation and repairs shall be done in accordance with the 1997 Uniform Plumbing Code.,*

2. Composed of nontoxic materials; ~~and~~
3. *Repaired in accordance with applicable local or state law; and*
- ~~3. 4.~~ 4. Approved by the health authority.

Section 66. NAC 446.425 is hereby amended to read as follows:

NAC 446.425 Systems for potable and nonpotable water: *Backflow Prevention.*

1. There may be no cross connection between the supply of potable water and any water which is nonpotable or may be nonpotable nor any source of pollution by which the potable water might become contaminated.

2. A system of nonpotable water which meets the limitations established by the State for levels of bacteria may only be used for purposes such as air-conditioning, cleaning, flushing toilets and fire protection and only if the system is approved by the health authority and does not come into direct or indirect contact with food, potable water or equipment that comes in contact with food or utensils. The piping of any nonpotable water must be clearly and permanently identified so that it is readily distinguishable from piping that carries potable water.

3. The system for potable water must be installed to preclude the possibility of backflow. Devices must be installed to protect against backflow and back siphonage on all fixtures and equipment which do not have an air gap which is at least twice the diameter of the inlet for the water between the inlet and the fixture's flood level rim. A hose may not be attached to a faucet unless a device to prevent backflow is installed.

4. A device designed to prevent backflow or back siphonage that is installed on a water supply system must comply with the standards for construction, installation, maintenance, inspection and testing of the *Uniform Plumbing Code, 1997 Edition*, for that specific application and type of device ~~[as those standards existed on May 23, 1996].~~ The State Board of Health hereby adopts those standards by reference. ~~[A copy of the standards may be obtained from the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, California 91789-2825, at a price of \$45.45.~~

~~—5. The use of lead solder on lines carrying potable water is prohibited.]~~

5. *A backflow prevention device or assembly shall be located so that it may be tested or inspected, serviced and maintained.*

6. *A device such as a water treatment device or backflow preventer shall be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions. Records demonstrating inspection and service shall be maintained by the Person In Charge.*

Section 67. NAC 446.430 is hereby amended to read as follows:

NAC 446.430 *Grease traps and Interceptors for grease.*

1. *If used, a grease interceptor or trap shall be located to be easily accessible for cleaning and not present a risk of contamination of food, food contact surfaces, equipment or utensils including during cleaning or pumping operations. Grease interceptors or traps shall be installed at any food establishment which generates grease that enters a sewer system and where deemed necessary by the health authority or sewer utility serving the establishment.*

2. *Unless the facility location or other mitigating circumstance makes the installation of a grease interceptor infeasible, an interceptor for grease rather than a grease trap shall be the preferred method of interception of grease from a food establishment.* ~~[Interceptors for grease must be installed at any food establishment which generates grease that may enter a sewer~~

~~system and where deemed necessary by the health authority or public works department of the appropriate local government. An intercepter must be located so that it is easy to clean. A trap for grease must not be used.~~

Section 68. NAC 446.435 is hereby amended to read as follows:

NAC 446.435 Drains.

1. *Except as provided in paragraph 2, ~~¶¶~~* There may be no direct connection between the sewerage and any drains originating from equipment in which food, ice, portable equipment or utensils are placed.
2. If a dishwashing machine is located within 5 feet (1.52 meters) of a floor drain with a trap, the waste outlet for the dishwasher may be connected directly to the drain on the side containing the inlet if the trap is properly vented.
3. A walk-in refrigerator must have a floor which is graded so that it drains to the outside through a waste pipe, doorway or other opening. The health authority may authorize a floor drain with an approved device to prevent backflow in a walk-in refrigerator if the slope of the floor is extreme.
4. Every drain, overflow or relief vent from the water supply system must have an indirect connection to the waste system. Drain lines from equipment must not discharge wastewater in a manner that floods any floor or causes water to flow across any work area or area which is difficult to clean.
5. A floor drain must be provided in any area where meat, fish or poultry is processed.

Section 69. NAC 446.445 is hereby amended to read as follows:

NAC 446.445 Toilets.

1. If a food establishment is the only occupant of a building, the establishment must have toilets which are conveniently located within the building. Except as otherwise provided in subsection ~~¶8~~ 9, if a food establishment occupies part of a building, the establishment must have toilets which are conveniently located within the part which it occupies. The toilets must be accessible to the employees of the establishment at all times.
2. *Except as otherwise provided in subsection 3,* a food establishment that provides public seating ~~for where the consumption of food is authorized~~ must have separate rooms with toilets for males and females. As used in this subsection, “public seating” includes seats, benches, stools and similar furniture provided by the owner or operator of a building, mall or similar operation for use by the food establishment and located within 25 feet of the establishment.
3. *If, in the judgment of the Health Authority, no risk to public health will be created, and if site restrictions, architectural or historical preservation restrictions make the installation of two toilet rooms infeasible within the building, the establishment may be permitted to install one toilet room for use by males, females and employees as long as the total seating affiliated with the establishment, as described in subsection 2, does not exceed 15 total seats. If the one toilet facility serving the establishment at any time fails or becomes otherwise inoperable, the establishment must immediately close for business and notify the Health Authority. The establishment must then stay closed until the Health Authority approves the establishment to re-open.*
- ~~¶3~~ 4. Toilets and urinals must be easy to clean. Trough-type urinals are prohibited.
- ~~¶4~~ 5. *Except as otherwise provided in subsection 6,* rooms with toilets must be completely enclosed and have solid doors which must fit tightly, close automatically and remain closed

except during cleaning or maintenance. Doors from rooms with toilets must not open directly into any area used for the preparation of food or for the washing or cleaning of equipment, utensils or tableware.

6. Rooms with toilets that are not located immediately adjacent to dining room areas or not located in areas of food preparation or washing of equipment, utensils or tableware are not required to be completely enclosed with solid tight fitting doors that close automatically.

~~{5-}~~ 7. Fixtures must be kept clean and in good repair. A supply of toilet tissue must be provided at each toilet at all times. Receptacles which are easy to clean must be provided for waste.

~~{6- Rooms with toilets must have at least one covered receptacle for waste that is in close proximity to the toilet.}~~

~~{7-}~~ 8. Exhaust fans and restroom facilities for the handicapped must be installed in all new facilities and in existing facilities if the food establishment is extensively remodeled.

~~{8-}~~ 9. Food establishments are not required to supply toilets within the facility if:

(a) Food is sold only for consumption off the premises of the seller and at least 50 percent of the food sold is prepackaged;

(b) No preparation or manufacturing of food occurs on the premises;

(c) The food establishment is located in a covered mall, casino, airport or similar location where toilet facilities are located conveniently to the establishment and where indoor access exists;

(d) A sink for washing hands is conveniently located as required by [NAC 446.450](#); and

(e) The lease agreement of the food establishment provides that the lessor will at all times provide clean and appropriately stocked and maintained toilet facilities for employees of the food establishment.

Section 70. NAC 446.450 is hereby amended to read as follows:

NAC 446.450 Sinks for washing hands.

1. Sinks for washing hands must be located to permit convenient use by all employees in areas used to prepare food and wash utensils. All new establishments and establishments which are extensively remodeled must also have sinks for washing hands located within the area used for the preparation of food.

2. Sinks for washing hands must be accessible to employees at all times and may not be used for purposes other than washing hands.

3. Sinks for washing hands must be located in or immediately adjacent to rooms with toilets or vestibules. Sinks used for preparing food or for washing equipment or utensils may not be used for washing hands.

4. Each sink for washing hands must have hot and cold water tempered by a mixing valve or combination faucet. *The hot water must be at a temperature of at least 100°F (38°C).*

5. Any faucet which closes automatically, closes slowly or is metered must provide a flow of water for at least ~~{20}~~ 15 seconds *without the need to reactivate the faucet*. Valves which mix steam are prohibited.

~~{5}~~ 6. A supply of soap or detergent for cleaning hands must be available at each sink for washing hands.

~~{6}~~ 7. A supply of ~~{sanitary}~~ *disposable* towels or a device providing heated air for drying hands must be conveniently located near each sink for washing hands. Shared towels are

prohibited. If disposable towels are used, *trash* receptacles which can be easily cleaned must be conveniently located near the sink for washing hands.

~~{7}~~ 8. Sinks for washing hands, dispensers for soap, devices for drying hands and all related fixtures must be easily cleanable and must be kept clean and in good repair.

9. A sign or poster that notifies food employees to wash their hands shall be provided at handwashing stations used by food employees and shall be clearly visible to all food employees.

Section 71. NAC 446.455 is hereby amended to read as follows:

NAC 446.455 Containers for garbage.

1. Garbage and refuse, including refuse to be recycled or returned, must be kept in containers which are durable, easy to clean, protected against insects and rodents and do not leak or absorb liquids. Plastic bags and paper bags which are strong when wet may be used to line these containers. ~~{These bags may also be used for storage inside the food establishment.}~~

2. Containers in areas used for preparing food and washing utensils must be kept covered after they are filled.

3. Containers stored outside the establishment, dumpsters and compactors must be easy to clean and have lids, doors or covers that fit tightly. These containers must be kept covered when not in use.

4. Containers designed with drains must have their plugs in place at all times except during cleaning.

5. There must be a sufficient number of conveniently located containers to hold all of the garbage and refuse, including refuse to be recycled or returned, that accumulate.

6. Soiled containers must be cleaned at a frequency to prevent attracting insects and rodents. Each container must be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils or areas used for preparing food. If the operator of a food establishment cleans garbage containers at the establishment, hot water and detergent or steam must be provided and used for cleaning the containers.

7. If approved, off premises-based cleaning services for dumpsters and trash receptacle areas may be used if on-premises cleaning implements and supplies are not available. If a food establishment needs to use off premises-based cleaning services, the health authority may request a letter from the cleaning service specifying the agreed upon location and frequency of the cleaning operation shall be provided to the health authority for verification.

~~{7}~~ 8. Liquid wastes from compacting or cleaning operations must be drained to the sewer through a drain ~~{that has been approved by the health authority}~~. The health authority or ~~{public works department}~~ *sewer utility* of the appropriate local government may require that any waste draining from the cleaning operation flow through an interceptor for grease *or a grease trap*.

9. A covered trash receptacle for the disposal of feminine hygiene products shall be provided/accessible in each stall in any toilet room used by females.

10. Trash receptacles must be provided in the vicinity of each vending machine or group of vending machines, but not within the vending machine. The receptacles must close automatically, must be leak proof, easily cleaned, insect proof and rodent proof, and must be cleaned often enough to prevent the attraction of insects and rodents.

Section 72. NAC 446.460 is hereby amended to read as follows:

NAC 446.460 Storage of garbage and refuse.

1. Garbage and refuse on the premises, including refuse to be recycled or returned, must be stored in a manner to make them inaccessible to insects and rodents.
2. Unprotected plastic bags, paper bags or baled units containing garbage or *food* refuse may not be stored outside.
3. Cardboard or other packaging material which is free of garbage and other waste need not be stored in covered containers, but such packaging material must be contained to prevent scattering.
4. Storage *areas or* rooms for garbage or refuse, including refuse to be recycled or returned, must be constructed of materials which are easy to clean, nonabsorbent and washable. They must be kept clean, protected against insects and rodents, have adequate light, including not less than 20 foot-candles of light in the area of work, must be large enough to store the containers that accumulate and must be maintained free of unnecessary items.
5. Storage areas or enclosures which are outside must be large enough to store the containers that accumulate and must be kept clean.
6. Containers for garbage and refuse, including refuse to be recycled or returned, dumpsters, containers or bins for grease and compactors located outside must be stored on or above a reasonably smooth pad of concrete or asphalt, kept clean and maintained in good repair. ~~{The pad of concrete or asphalt must be sloped adequately with a curb for drainage to a sewer drain that has been approved by the health authority.}~~

Section 73. NAC 446.495 is hereby amended to read as follows:

NAC 446.495 ~~{Coverings for floors.}~~ *Use of Sawdust on Floors.*

~~{1. The floors and the coverings for floors in all areas used for the preparation and storage of food and for washing utensils, and in all refrigerators, dressing rooms, locker rooms, rooms with toilets and vestibules, must be constructed of smooth, durable material, such as sealed concrete, terrazzo, ceramic tile, commercial and durable grades of linoleum or plastic, or tight wood impregnated with plastic, and must be maintained in good repair. Nothing prohibits the use of a covering designed to prevent falls in areas where it is necessary for safety if the covering is kept in good repair, can be cleaned properly and is maintained in a clean condition.~~

~~—2. Carpeting must be closely woven, properly installed, easy to clean and must be maintained in good repair. Carpeting and area rugs are prohibited in any area used for the preparation of food or drinks or for washing equipment and utensils. Carpeting is also prohibited where food is stored and in areas where urinals or toilets and related fixtures are located.}~~

~~{3.}~~ *1.* Only sawdust sifted through a number 10 screen with all the fine dust removed and treated with a 10 percent saline solution may be used on the floors of butcher shops. If sawdust is used in a butcher shop:

- (a) The sawdust must be changed daily or as necessary.
- (b) The application or use of the sawdust must not cause the contamination of food or surfaces that may come into contact with food. If such contamination occurs, the use of sawdust is prohibited.
- (c) The sawdust must not be tracked into walk-in refrigerators or freezers.
- (d) The operator of the butcher shop shall, upon request by the health authority, demonstrate that he is in compliance with the provisions of [NRS 446.841](#).

Section 75. NAC 446.670 is hereby amended to read as follows:

NAC 446.670 Enclosure of unit; service openings.

~~{1.}~~ The interior of a mobile unit must be of sufficient size, with equipment and fixtures conveniently located, and be completely enclosed with the exception of the service openings. Doors providing access to the outside must be equipped with mechanisms that cause the doors to close automatically. *Doors* ~~{and}~~ must be kept closed.

~~{2. Service openings may not be larger than 18 inches (45 centimeters) wide or 18 inches (45 centimeters) high and must be located away from areas used to prepare and dispense food and beverages. They must be open only while food and beverages are being dispensed, or fans must be used.}~~

Section 76. NAC 446.675 is hereby amended to read as follows:

NAC 446.675 Floors, walls and ceilings.

1. Floors must be made of an impervious material.
2. Junctures of floors, walls and adjoining fixtures must be watertight and coved.
3. Walls and ceilings must be made of light-colored, smooth, washable material which is free of open cracks and joints.

4. There must be adequate ceiling height in the mobile unit so that food handling can be conducted in a safe and compliant manner. Nothing prohibits a shorter ceiling height as long as safe food handling practices are not negatively impacted.

Section 77. NAC 446.680 is hereby amended to read as follows:

NAC 446.680 Ventilation.

Forced air ventilation ~~{Ventilation}~~ must be provided ~~{by a fan}~~ and must include refrigeration when necessary to keep the interior temperature *of the mobile unit* comfortable and to prevent the unnecessary opening of doors and service openings.

Section 78. NAC 446.685 is hereby amended to read as follows:

NAC 446.685 Lighting.

Lighting within the mobile unit must provide at least 20 foot-candles of light on all working surfaces at all times during use. *All light fixtures shall be shielded against breakage.*

Section 79. NAC 446.695 is hereby amended to read as follows:

NAC 446.695 Refrigerators.

A mobile unit must have a *mechanical* refrigerator which is large enough to store safely all potentially hazardous foods. *In addition to the requirements of NAC 446.665, cold holding of potentially hazardous food must be stored in a mechanical refrigeration system.* ~~{The refrigerator must have at least one integral or permanently affixed indicating thermometer accurate to within plus or minus 2°F (1°C).}~~ Only metal or plastic racks may be used in the refrigerator.

Section 80. NAC 446.700 is hereby amended to read as follows:

NAC 446.700 Sinks.

A sink with three compartments which are each large enough to immerse utensils and which are supplied with running water at a temperature of at least 11~~2~~0°F (43~~19~~°C) must be *provided*

within the mobile unit. ~~used.~~ The sink must have a swivel faucet which is *capable of depositing water into each sink compartment and which is* equipped with a mixing valve.

Section 81. NAC 446.710 is hereby amended to read as follows:

NAC 446.710 Tank for supply of water; inlet and outlet for water; filter; ~~basin for washing hands~~; cleaning of tank.

1. A tank which supplies potable water must have a minimum capacity of 40 gallons (152 liters), a sloped bottom and an outlet drain located at the lowest point of the tank.

2. The inlet for water must be removable, made of flexible copper or other approved tubing and equipped with an approved vacuum breaker and nozzle for connecting a hose. The inlet must be capped when not in use. The inlet and outlet must be located to prevent contamination from the discharge of waste, dust from the road, oil or grease. The filler and drain hoses must be clearly and permanently identified, used for no other purposes than their intended purposes, and hung with the ends connected or covered when stored. If water is added only at the servicing ~~depot~~ *area*, the vacuum breaker may be installed on the water tap at the ~~depot~~ *servicing area*.

3. When compressed air is used to pressurize the tank, a filter that does not pass oil or oil vapors must be installed in the line that supplies the air, between the compressor and potable water system.

~~[4. A basin with warm, running, pressurized water, a nailbrush, soap and towels must be used for washing hands.]~~

5. The tank which supplies potable water, pump and hoses must be flushed and sanitized before being placed in service after construction, repair, modification and periods during which they were not used.

Section 82. NAC 446.715 is hereby amended to read as follows:

NAC 446.715 Tanks for waste.

1. A tank for waste that has a capacity at least 15 percent larger than the combined capacities of the tanks holding the water supply, is constructed with the bottom sloped to a drain that has an inner diameter of at least 1 inch (25 millimeters) and is equipped with a shut-off valve must be used.

2. The contents of the tank must be gauged.

3. The tank must be emptied and flushed as often as necessary into *an RV dump station* ~~an approved installation in the service depot~~ or other sanitary station approved *in advance* by the health authority. *All waste from the mobile unit shall be disposed of* in a manner which maintains sanitary conditions *within the mobile unit and does not lead to a public health nuisance*.

4. A tank with an outlet for overflow may not be used.

Section 83. NAC 446.720 is hereby amended to read as follows:

NAC 446.720 Containers for refuse.

1. A can for refuse with a cover must be installed inside a mobile unit. ~~[Containers for the deposit of used cups, dishes, napkins and similar waste with openings to the inside of the mobile unit must also be installed.]~~

2. These containers must be of sufficient size for daily needs and must be constructed, designed and placed so they can be readily cleaned, be kept clean and do not create a nuisance.

3. Containers intended for use by customers must have large, clear signs on the covers stating “Deposit Trash Here” or similar wording that has been approved by the health authority.

Section 84. NAC 446.730 is hereby amended to read as follows:

NAC 446.730 Posting of notice of instructions.

A *manual or notebook available for review by the health authority may be required to be maintained and carried in the mobile unit that contains standard operating procedures* ~~notice must be posted within mobile units with instructions relating to:~~ *including:*

1. Personal cleanliness;
2. The proper handling and maintenance of food, beverages, dairy mixes and containers, including the maintenance of required temperatures;
3. The proper methods of cleaning and sanitizing equipment, utensils and equipment used in supplying water; ~~and~~
4. The proper disposal of liquid wastes that are stored in a holding tank and of refuse;
5. *The written agreement between the mobile unit and its servicing area and;*
6. *The daily schedule of the mobile unit including location by address. The schedule must reflect the specified routes that the units will cover on any particular day.*

Section 85. NAC 446.735 is hereby amended to read as follows:

NAC 446.735 Proposed changes required to be submitted to health authority.

Any proposed changes in *the servicing area*, ~~servicing depots,~~ routes, zones, equipment or the operation of a mobile unit must be submitted to and approved by the health authority before the proposed changes are made.

Section 86. NAC 446.740 is hereby amended to read as follows:

NAC 446.740 Operation of *mobile* unit from *licensed food establishment or servicing area*. ~~servicing depot; operation of depot.~~

~~1. All mobile units must be operated from a servicing depot as authorized by a permit from the health authority.~~

~~2. Each mobile unit must report to its respective depot at least once each day for sanitizing and servicing.~~

~~3. The depot must comply with the requirements of NAC 446.050 to 446.625, inclusive, where applicable, and with the requirements of NAC 446.665 to 446.815, inclusive.~~

~~4. A depot that is based outside the jurisdiction of the health authority may be operated in this State if the operator satisfies the requirements of subsection 3 and obtains the permit issued pursuant to the provisions of NRS 446.875.~~

1. All mobile units must be operated in conjunction with an approved and licensed food establishment that has regulatory oversight by the health authority and shall be referred to as the servicing area.

2. *A written agreement, signed by the licensee of the servicing area shall be provided prior to the mobile unit being operated. The letter shall state that the licensed food establishment is willing to allow the mobile unit to store food products inside the food establishment, to use facilities on the premises of the food establishment for the maintenance of hot and cold potentially hazardous foods, wash utensils and equipment inside the food establishment, deposit used cooking grease and garbage in the food establishment trash disposal and grease rendering facilities and prepare food items that will be served inside the mobile unit. The letter shall also state that the mobile unit shall be allowed full access to the food establishment during hours or days in which the food establishment might not otherwise operate.*

3. *In the event that the servicing area changes ownership or is out of business for any reason including emergencies, health authority regulatory action or other unforeseen circumstances, the mobile unit shall cease operations and advise the health authority of such an event.*

4. *Each mobile unit must report to its respective servicing area at least once each day for sanitizing and servicing.*

5. *A servicing area that is located outside the jurisdiction of the health authority may be operated in this State if the operator satisfies the requirements of subsection 3 and obtains the permit issued pursuant to the provisions of NRS 446.875.*

Section 87. NAC 446.742 is hereby amended to read as follows:

NAC 446.742 *Time* ~~restriction~~ *on operation from specific fixed location.*

A mobile unit must not be operated from a specific *fixed* location, other than a special event, for more than ~~half an~~ *one* hour.

Section 88. NAC 446.821 is hereby amended to read as follows:

NAC 446.821 *Application for and form of permit; plan for analyzing the hazards of critical control points.*

1. An applicant for a permit issued pursuant to the provisions of NRS 446.875 must include with his application a description of how the requirements of that section will be met, including a description of a menu for the proposed food establishment. The health authority may require an applicant to include a plan for analyzing the hazards of critical control points. If the food establishment is required to have such a plan, the plan must include:

(a) A categorization of the types of potentially hazardous foods that are specified in the menu, such as soups and sauces, salads and bulk, solid foods, such as meat roasts, and other foods that are specified by the health authority.

(b) A *flow* diagram that identifies critical control points for specific foods or categories of food and provides:

(1) The ingredients, materials and equipment used in the preparation of each food or category of food; and

(2) The *formulations, recipes or* procedures *that delineate methods and procedural control measures that address the food safety concerns involved.* ~~{to ensure that each food or category of food is prepared safely.}~~

(c) A training plan for food handlers and supervisors that addresses issues of safety in the preparation of food.

(d) A statement of standard operating procedures *for the plan under consideration* that *includes clearly identifying;* ~~{identifies.}~~

- (1) Each critical control point.
 - (2) *The critical limits* ~~Limits~~ for each critical control point.
 - (3) The method and frequency for monitoring and controlling each critical control point by the *food* employee designated by the person in charge.
 - (4) The method and frequency for the person in charge to verify routinely that ~~an~~ *the food* employee is following standard operating procedures and monitoring critical control points.
 - (5) Actions to be taken by the person in charge if the limits for each critical control point are not met.
 - (6) The records required to be maintained by the person in charge to demonstrate that the plan for analyzing the hazards of critical control points is properly operated and managed.
 - (e) Additional scientific data or other information, as required by the health authority, supporting the determination that the safety of the food served ~~will be ensured.~~ *is not compromised.*
2. All permits issued by the health authority pursuant to [NRS 446.875](#) must be in writing.

Section 89. NAC 446.827 is hereby amended to read as follows:

NAC 446.827 Procedure for review of actions taken by Health Division; appeals.

1. A person who has reason to believe that an action taken by the Health Division pursuant to this chapter or [chapter 446](#) of NRS is incorrect or based on inadequate knowledge may, within 10 business days after receiving notice of the action, request an informal discussion with the employee responsible for the action and the immediate supervisor of the employee.
2. If the informal discussion does not resolve the problem, the aggrieved person may, within 10 business days after the date scheduled for the informal discussion, submit a written request to the Bureau for an informal conference. The informal conference must be scheduled for a date, place and time mutually agreed upon by the aggrieved person and the Bureau, except that the informal conference must be held no later than 60 days after the date on which the Bureau received the written request.
3. Except as otherwise provided in subsection 4, the determination of the Bureau resulting from the informal conference cannot be appealed and is the final remedy available to the aggrieved person.
4. An applicant for or holder of a permit issued pursuant to this chapter or [chapter 446](#) of NRS who is aggrieved by an action of the Health Division relating to the denial of an application for or the renewal of such a permit or the suspension or revocation of such a permit may appeal that action in accordance with [NAC 439.300](#) to [439.395](#), inclusive, after exhausting the informal procedures set forth in this section, except that the Bureau may waive the informal procedures, or any portion thereof, by giving written notice to the aggrieved person.
5. As used in this section, "Bureau" means the Bureau of Health Protection Services of the Health Division of the Department of *Health and Human Services* ~~Human Resources~~ or its successor.

Section 92. NAC 446.835 is hereby amended to read as follows:

NAC 446.835 Fees for reviewing plans, *and for Approval for an Alternate Method of Compliance (AAMC)*. (NRS 439.150, 439.200, 446.940) The Health Division shall charge and collect the following fees for reviewing plans for food establishments *and for Approval for an Alternate Method of Compliance (AAMC)*, except in areas where the laws and regulations governing food establishments are administered by local health authorities:

For a plan for a new establishment..... \$498
 Plus an amount equal to the fee for an annual permit for the establishment
 being reviewed.
 For a plan for remodeling an establishment which has a permit..... 332
 Plus an amount equal to one-half of the fee for an annual permit for the
 establishment after remodeling.
For Approval for an Alternate Method of Compliance (AAMC).....\$415

Section 93. NAC 446.840 is hereby amended to read as follows:

NAC 446.840 Fees for mobile units and servicing ~~depots~~ areas. The Health Division shall charge and collect fees for its services in accordance with the schedule, except in areas where the laws and regulations governing the sanitation of mobile units and servicing ~~depots~~ areas are administered by local health authorities:

Section 94. NAC 446.915 is hereby amended to read as follows:

NAC 446.915 Applicable requirements.

A barbecue must meet the requirements of *NAC 446 as well as the provisions set forth in the 2005 FDA Model Food Code.*

Section 95. NAC 446.955 is hereby amended to read as follows:

NAC 446.955 Food processing establishments: General requirements.

1. A food processing establishment must comply with the provisions of NAC 446 and the requirements of this section.

2. If, after September 16, 1992, a food processing establishment is constructed or extensively remodeled, or if an existing structure is converted for use as a food processing 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 must 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 must be submitted to such health authorities for approval before such work is begun. Such plans must be accompanied by a detailed description of the operation of food processing and any other documentation required by the health authority, including:

- (a) The food to be handled, processed or packaged.
- (b) Any label for packaging which has been proposed for a food product. ~~{Such a label must be reviewed and approved by the health authority and any fees required must be paid before the label may be used.}~~
- (c) A description of all of the steps required to process each food product. The description must include:
 - (1) The amount of time required for each step;
 - (2) The amount of time required between each step;
 - (3) Proposed temperatures of the food product;
 - (4) Rates of cooling and heating the food product; and
 - (5) The process for handling food by employees of the establishment.

(d) If the processing involves heating or cooling food products, the methods used, such as ovens, warmers, blast chillers, walk-in refrigerators and similar equipment. Such methods must be approved by the health authority.

3. If the processing involves potentially hazardous food or if the steps are critical in regard to bacterial growth, the health authority may require supporting laboratory data, including, without limitation:

- (a) The results of a pH test;
- (b) The results of a bacterial culture test;
- (c) The results of a water activity test;
- (d) A determination of the level of salinity;
- (e) An analysis of the cooling or heating temperature used for the food product; and
- (f) A complete program for the analysis of hazards and critical control points

for food processing.

4. Any information required by the provisions of this section must be reviewed and approved by the health authority, in writing, before a plan required by subsection 2 may be carried out. Additional documentation or information may be required by the health authority before the approval is granted.

5. If there is a change in any of the information required by this section, the applicant must submit an amended statement of information to the health authority for written approval before the new or modified process may be carried out.

DELETED SECTIONS START HERE

Section 96. NAC 446.0105 is hereby amended to read as follows: (DELETED)

NAC 446.0105 “Approved” defined. (NRS 439.200, 446.940) “Approved” means any place, object or practice that conforms with principles, practices and generally recognized standards that protect public health, as determined by the health authority.

Section 96.1 NAC 446.0125 is hereby amended to read as follows: (DELETED)

NAC 446.0125 “Critical control point” defined. (NRS 439.200, 446.940) “Critical control point” means a point or procedure in a system of receiving, storing, processing, preparing or serving food where nonadherence to procedures may result in an unacceptable health risk to the patrons of a food establishment.

Section 96.5 NAC 446.0128 is hereby amended to read as follows: (DELETED)

NAC 446.0128 “Easily cleanable” defined. (NRS 439.200, 446.940) “Easily cleanable” means the characteristic of a surface that allows the effective removal of contaminants using normal cleaning methods.

Section 96.7 NAC 446.0135 is hereby amended to read as follows: (DELETED)

NAC 446.0135 “Food establishment” defined. (NRS 439.200, 446.940) “Food establishment” has the meaning ascribed to it in NRS 446.020.

Section 97. NAC 446.0145 is hereby amended to read as follows: (DELETED)

NAC 446.0145 “Game animal” defined. (NRS 439.200, 446.940) “Game animal” means an animal, other than cattle, sheep, swine, goat, poultry, domestically raised rabbit or domestically

raised game bird, the product of which is food. The term includes, without limitation, reindeer, elk, deer, antelope, water buffalo, bison, squirrel, bear, muskrat, aquatic and nonaquatic reptiles, aquatic mammals and exotic animals.

Section 98. NAC 446.017 is hereby amended to read as follows: (DELETED)

NAC 446.017 “Packaged” defined. (NRS 439.200, 446.940) “Packaged” means contained in a bottle, can or carton or securely held in a bag or a wrap.

Section 99. NAC 446.018 is hereby amended to read as follows: (DELETED)

NAC 446.018 “Packaging with a modified atmosphere” defined. (NRS 439.200, 446.940) “Packaging with a modified atmosphere” means packaging material in which the oxygen has been:

1. Reduced by mechanical evacuation;
2. Displaced with another gas or combination of gases; or
3. Otherwise reduced to less than 21 percent.

□ The term includes, without limitation, methods of packaging that may be referred to as “sous vide,” altering the atmosphere, controlling the atmosphere, reducing the oxygen, lowering the oxygen or vacuum packaging.

Section 100. NAC 446.020 is hereby amended to read as follows: (DELETED)

NAC 446.020 “Person” defined. (NRS 439.200, 446.940) “Person” means any natural person, firm, partnership, association or corporation.

Section 101. NAC 446.021 is hereby amended to read as follows: (DELETED)

NAC 446.021 “Person in charge” defined. (NRS 439.200, 446.940) “Person in charge” means the person present at a food establishment who is responsible for the operation of the establishment at the time of an inspection.

Section 102. NAC 446.022 is hereby amended to read as follows: (DELETED)

NAC 446.022 “pH” defined. (NRS 439.200, 446.940) “pH” means the degree of acidity or alkalinity of an aqueous solution equal to the negative logarithm of the effective concentration of the hydrogen ion.

Section 103. NAC 446.023 is hereby amended to read as follows: (DELETED)

NAC 446.023 “Plan for analyzing the hazards of critical control points” defined. (NRS 439.200, 446.940) “Plan for analyzing the hazards of critical control points,” commonly known as an “HACCP plan,” means a written document created by a food establishment that sets forth the formal procedures for following the principles of the “Hazard Analysis and Critical Control Point System,” developed by the National Advisory Committee on Microbiological Criteria for Foods and available from the United States Department of Agriculture, 1255 22nd Street NW, Washington, DC 20250-3700.

Section 104. NAC 446.030 is hereby amended to read as follows: (DELETED)

NAC 446.030 “Safe materials” defined. (NRS 439.200, 446.940) “Safe materials” means articles manufactured from or composed of materials that are not expected to become a component of or otherwise affect the characteristics of any food.

Section 105. NAC 446.031 is hereby amended to read as follows: (DELETED)

NAC 446.031 “Servicing depot” defined. (NRS 439.200, 446.940) “Servicing depot” includes:

1. An independent or separate facility that has been approved by the health authority;
2. A mobile unit, if it has been deemed to be large enough by the health authority and meets the requirements of NAC 446.665 to 446.775, inclusive; and
3. Any other facility that has been issued a permit pursuant to the provisions of NRS 446.875 by the health authority.

Section 106. NAC 446.036 is hereby amended to read as follows: (DELETED)

NAC 446.036 “Support animal” defined. (NRS 439.200, 446.940) “Support animal” means an animal that is necessary for a person with a visual, aural or physical disability to conduct his daily activities.

Section 107. NAC 446.037 is hereby amended to read as follows: (DELETED)

NAC 446.037 “Surface which may come into contact with food” defined. (NRS 439.200, 446.940) “Surface which may come into contact with food” means the surface of a piece of equipment or a utensil:

1. With which food normally comes into contact; or
2. From which food may drain, drip or splash:
 - (a) Into food; or
 - (b) Onto a surface with which food normally comes into contact.

Section 108. NAC 446.038 is hereby amended to read as follows: (DELETED)

NAC 446.038 “Value of water activity” defined. (NRS 439.200, 446.940) “Value of water activity,” as indicated by the symbol “aw,” means the quotient of the pressure of water vapor in a substance divided by the pressure of water vapor in pure water when the pure water is at the same temperature as the substance.

Section 109. NAC 446.055 is hereby amended to read as follows: (DELETED)

NAC 446.055 Food stored in hermetically sealed containers. (NRS 439.150, 439.200, 446.940)

1. Food may not be used in a food establishment if it was stored in hermetically sealed containers that were not prepared in a food processing establishment approved by the health authority.
2. Hermetically sealed packages from an approved food processing establishment must be handled to maintain the integrity of the product and the containers.

Section 110. NAC 446.065 is hereby amended to read as follows: (DELETED)

NAC 446.065 Milk and milk products. (NRS 439.150, 439.200, 446.940)

1. Fluid milk and products made from milk used or served in a food establishment must be pasteurized and from a source approved by the health authority.
2. Dry milk and products made with dry milk must be made from pasteurized milk and products made with pasteurized milk.

Section 111. NAC 446.070 is hereby amended to read as follows: (DELETED)

NAC 446.070 Frozen desserts. (NRS 439.150, 439.200, 446.940) All frozen desserts and mix must be from a source approved by the health authority.

Section 112. NAC 446.075 is hereby amended to read as follows: (DELETED)

NAC 446.075 Shellfish. (NRS 439.150, 439.200, 446.940)

1. Except as otherwise provided in subsection 3, fresh and frozen shellfish, such as oysters, clams or mussels, must be packed in nonreturnable packages which are labeled with the name and address of the original processor or the person who repacked them, and the number for interstate certification. Shell stock and shucked shellfish must be kept in the container in which they were received until they are used.

2. Each container of unshucked shellfish, such as oysters, clams or mussels, must be identified by a tag attached to the container, to be retained for 90 days, that states the name and address of the original processor, the kind and quantity of shellfish in the container, and the number for interstate certification issued by the state or a foreign agency.

3. Fresh shellfish may be displayed in a tank that is designed to support the life of shellfish if:

- (a) No water that is used for fish other than shellfish is able to flow into the tank for shellfish.
- (b) The operation of the tank does not adversely affect the safety and quality of the shellfish.
- (c) The shellfish are identified pursuant to subsection 1.

Section 113. NAC 446.080 is hereby amended to read as follows: (DELETED)

NAC 446.080 Eggs. (NRS 439.150, 439.200, 446.940)

1. Only clean whole eggs with their shells intact or pasteurized liquid, frozen or dry eggs or products made from dry eggs may be used in a food establishment, except that eggs which have been hard-boiled, peeled and commercially prepared and packaged may be used.

2. A food establishment shall use pasteurized liquid, frozen or dry eggs or products made from pasteurized eggs instead of whole, fresh eggs in the preparation of dishes and condiments that are not cooked, such as a caesar salad, hollandaise or bernaise sauce, noncommercial mayonnaise, eggnog, ice cream or any beverage that is fortified with eggs.

Section 114. NAC 446.085 is hereby amended to read as follows: (DELETED)

NAC 446.085 Meat, game animals, fish and poultry. (NRS 439.150, 439.200, 446.940)

All meat, products made from meat, game animals, products made from game animals, fish, products made from fish, poultry and products made from poultry must be from a source approved by the health authority.

Section 115. NAC 446.090 is hereby amended to read as follows: (DELETED)

NAC 446.090 Baked products. (NRS 439.150, 439.200, 446.940)

1. Baked products must be prepared in an approved food establishment or food processing establishment, and handled and transported in an approved manner.

2. Baked products filled with synthetic ingredients that will not support the rapid and progressive growth of infectious or toxigenic microorganisms must be labeled to state that refrigeration is not required.

Section 116. NAC 446.095 is hereby amended to read as follows: (DELETED)

NAC 446.095 Storage of potentially hazardous food. (NRS 439.150, 439.200, 446.940)

Except as otherwise provided in this chapter, potentially hazardous food must be stored at a temperature of 40°F (4.44°C) or below or 140°F (60°C) or above.

Section 117. NAC 446.100 is hereby amended to read as follows: (DELETED)

NAC 446.100 Emergencies. (NRS 439.150, 439.200, 446.940) If the occurrence of an emergency such as a fire, flood, loss of power or similar event might result in the contamination of food or prevent potentially hazardous food from being stored at required temperatures, the person in charge at the food establishment shall immediately contact the health authority. Upon receiving notice of the emergency, the health authority will take any action necessary to protect the public health.

Section 118. NAC 446.105 is hereby amended to read as follows: (DELETED)

NAC 446.105 Storage of food. (NRS 439.150, 439.200, 446.940)

1. Except as otherwise provided in subsection 3, if food is removed from the container or package in which it was obtained, it must be stored in a clean covered container unless it is being prepared or served.

2. The cover of the container must be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering containers for bread or rolls. The linens or napkins must be changed or discarded after each use.

3. Solid cuts of meat must be covered while in storage, except that quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food is stored beneath the meat. No meat may be stored in direct contact with shelves.

4. Whole, uncut and raw fruits and vegetables, and nuts in their shells may be kept in their original shipping containers until they are used.

Section 119. NAC 446.110 is hereby amended to read as follows: (DELETED)

NAC 446.110 Storage of food, containers of food and packaged food; resale of food from bulk containers. (NRS 439.150, 439.200, 446.940)

1. Containers of food in a food establishment must be stored at least 6 inches (15 centimeters) above the floor in a manner that protects the food from contamination and permits easy cleaning of the storage area with the following exceptions:

(a) Metal containers for beverages which have been pressurized and cases of food packaged in cans, glass or other waterproof containers need not be elevated when the containers are not exposed to moisture on the floor.

(b) Containers may be stored on dollies, racks or pallets if such equipment is easy to move.

2. Food and containers of food must not be stored under any exposed or unprotected sewer lines or waterlines, unless the lines are automatic sprinklers required by law.

3. Food may not be stored in rooms with toilets, vestibules or lockers, or in rooms containing garbage or mechanical facilities.

4. Packaged food may not be stored in a wet environment. However, packaged food placed in containers made of impervious glass or metal may be stored in drained ice. Wrapped sandwiches may not be stored in direct contact with ice.

5. Food which:

(a) Is spoiled;

- (b) Is in a container that has sustained damage which may affect it; or
 - (c) Has been returned to or is being detained by the food establishment because of public health considerations,
 - must be segregated and held in designated areas pending proper disposition unless it is disposed of under the supervision of the health authority. For the purposes of this subsection, a hermetically sealed container that has sustained damage to the seams on the top, bottom or side of the container or that has sustained sharp or creasing dents to areas other than the seams shall be deemed a container that has sustained damage that may affect the food contained inside the container.
6. Food from bulk containers returned to a retail store by a customer may not be offered for resale.
7. Containers of bulk pet food and bulk nonfood items must be separated from food items by a barrier or open space of not less than 12 inches (30 centimeters).

Section 120. NAC 446.120 is hereby amended to read as follows: (DELETED)

NAC 446.120 Maintenance and storage of hot food. (NRS 439.150, 439.200, 446.940)

1. There must be adequate facilities at a food establishment to maintain hot food. These facilities must be conveniently located to ensure the maintenance of food at the required temperature.
2. Each piece of equipment used for the maintenance of potentially hazardous hot food must have at least one integral or permanently affixed indicating thermometer which is numerically scaled or a recording thermometer, accurate to plus or minus 2°F (1°C), located in the coolest part of the piece of equipment where it can be easily read.
3. If it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cat-rod units or insulated carriers for transporting foods, an accurately calibrated probe thermometer must be available and used to check the internal temperature of the food.
4. The internal temperature of potentially hazardous foods which require hot storage must be 140°F (60°C) or above except during periods of preparation.

Section 120 ½. NAC 446.122 is hereby amended to read as follows: (DELETED)

NAC 446.122 Reusable containers for beverages. (NRS 439.150, 439.200, 446.940)

1. A food establishment may refill a reusable beverage container which is owned by a customer with a product that is not potentially hazardous if the refill is for that customer.
2. The design of such containers, when considered in conjunction with the design of the rinsing component of the equipment used to refill the container, must permit the effective cleaning of the container.
3. A facility for cleaning such containers which uses fresh, hot water under pressure that has not been recirculated, must be provided as a part of the dispensing operation.
4. A system for refilling such containers, when used by a customer, must include a transfer process which is free from contamination and which the customer cannot bypass.
5. The Board may exempt from the requirements of this section water vending operations.

Section 121. NAC 446.130 is hereby amended to read as follows: (DELETED)

NAC 446.130 Preparation of food: Raw fruits and vegetables. (NRS 439.150, 439.200, 446.940) Raw fruits and vegetables must be thoroughly washed:

1. With potable water before being cooked, prepared, processed, served or dispensed.
2. In a sink which:
 - (a) Has a drain that is indirectly connected to a floor sink in compliance with the *Uniform Plumbing Code*;
 - (b) Runs hot and cold water that is tempered by a mixing valve or combination faucet; and
 - (c) Is located in an area that has been approved by the health authority.

Section 122. NAC 446.145 is hereby amended to read as follows: (DELETED)

NAC 446.145 Preparation of food: Potentially hazardous foods. (NRS 439.150, 439.200, 446.940)

1. Potentially hazardous foods which have been frozen must be thawed:
 - (a) In refrigerated units at an ambient temperature not exceeding 40°F (4.44°C);
 - (b) Under potable running water at a temperature of 70°F (21°C) or below, with a sufficient water velocity to agitate and float off loose particles of food;
 - (c) 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 cooking process takes place without interruptions in the microwave oven; or
 - (d) As part of the conventional cooking process.
2. 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 stuffings 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.
 - (b) Pork, any food containing pork, game animals, 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.
 - (d) Fishery products which are not cooked throughout to 145°F (63°C) or above must, before their service or sale in a form which is ready to eat, be blast frozen to -31°F (-35°C) or below for 15 hours or regularly frozen to -4°F (-20°C) or below for 168 hours (7 days). Records which establish compliance with this paragraph must be retained by the operator for 90 days after the service or sale of the fishery products, unless the products were frozen by the supplier and a written statement is provided by the supplier stipulating that the products supplied were frozen to the temperature and for the time specified in this paragraph, in which case the supplier's written statement must be retained by the operator for 90 days.
3. 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.

4. 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.

5. Potentially hazardous foods that have been cooked and refrigerated must be reheated rapidly so that the food reaches a temperature of 165°F (74°C) or above throughout the entire product for at least 15 seconds before being served or placed in a facility for maintaining hot food. Steam tables, bainmaries, warmers, crockpots and similar facilities for holding hot foods may not be used for the rapid reheating of potentially hazardous foods.

6. Metal indicating thermometers which are numerically scaled and accurate to plus or minus 2°F (1°C) must be used to ensure the attainment and maintenance of proper internal temperatures for cooking, holding or refrigerating all potentially hazardous foods. At least one such thermometer must be available for use by employees at all times. The thermometers must be washed, rinsed and sanitized before insertion into a food.

Section 123. NAC 446.147 is hereby amended to read as follows: (DELETED)

NAC 446.147 Use of packaging with a modified atmosphere; contents of plan for analyzing the hazards of critical control points. (NRS 439.150, 439.200, 446.940)

1. A food establishment that packages food using packaging with a modified atmosphere must have a plan for analyzing the hazards of critical control points that:

- (a) Contains the information specified in NAC 446.821;
- (b) Identifies the food that is packaged in packaging with a modified atmosphere;
- (c) Limits the food packaged in packaging with a modified atmosphere to food that does not support the growth of *Clostridium botulinum* because the food:
 - (1) Has a value of water activity of 0.91 or less;
 - (2) Has a pH of 4.6 or less;
 - (3) Is a product made from meat that was:
 - (I) Processed in a processing plant that is regulated by the United States Department of Agriculture;
 - (II) Cured with a combination of nitrites, nitrates and salt which had a concentration of sodium nitrite that is 120 mg/l or higher and a combination of brine that was at least 3.5 percent sodium chloride; and
 - (III) Received by the food establishment in an intact package; or
 - (4) Is a food with a high level of competing organisms, such as raw meat or raw poultry;
- (d) Specifies methods for maintaining food that is packaged in packaging with a modified atmosphere at 40°F (4.44°C) or below;
- (e) Requires packaging with a modified atmosphere to display prominently and conspicuously on the principal display panel, in bold type with a contrasting background, instructions to:
 - (1) Maintain the food packaged therein at 40°F (4.44°C) or below; and
 - (2) Discard the food packaged therein if, within 14 days after its packaging, it is not frozen or served for consumption on or off the premises of the recipient;
- (f) Prohibits food that is packaged in packaging with a modified atmosphere to be held for more than 14 calendar days after the date of packaging or beyond the manufacturer's date by

which the food must be used or sold, whichever comes first, unless the product is frozen for storage within that period;

(g) Includes operational procedures that:

(1) Prohibit bare hands from coming into contact with food that is packaged in packaging with a modified atmosphere;

(2) Identify designated areas for raw foods and foods that are ready to eat and minimize the possibility of cross-contamination between those foods;

(3) Restrict access to processing equipment to trained personnel who are familiar with the potential hazards of the operation; and

(4) Delineate cleaning and sanitization procedures for surfaces which may come into contact with food; and

(h) Include a training program that ensures that the person responsible for packaging food in packaging with a modified atmosphere understands the:

(1) Procedures required for the safe operation of the packaging; and

(2) Equipment and facilities used in the packaging process.

2. A food establishment may not package fish in packaging with a modified atmosphere unless the fish is frozen before packaging and will remain frozen during and after packaging.

Section 124. NAC 446.150 is hereby amended to read as follows: (DELETED)

NAC 446.150 Service of food: Protection of food. (NRS 439.150, 439.200, 446.940)

1. Food in a salad bar, serving line or other kind of display must be protected against contamination by customers or the environment through the operator's use of protective devices, such as glass shields, easily cleanable counters, packaging, display cases or other effective means.

2. Bulk food in retail stores must be dispensed only from containers that are protected by individual covers which fit closely and close automatically. Access by customers to bulk food must be controlled to avoid the introduction of contaminants. Means considered suitable include:

(a) Providing a product module depth of not more than 18 inches (45 centimeters);

(b) Locating product modules with access from the top so that there is at least 30 inches (75 centimeters) between the access point and the floor; or

(c) If the product module access point is less than 30 inches (75 centimeters) off the floor, providing access from the side or at an angle if, when the product module is open, the cover extends across the surface of the product and provides overhead protection.

3. Food that may have been contaminated by an employee who has been restricted from performing certain tasks in a food establishment or excluded from the food establishment must be discarded.

Section 125. NAC 446.155 is hereby amended to read as follows: (DELETED)

NAC 446.155 Service of food: Potentially hazardous and frozen foods; raw or undercooked food of animal origin. (NRS 439.150, 439.200, 446.940)

1. Except as otherwise provided in NAC 446.157, potentially hazardous food must be kept at an internal temperature of 40°F (4.44°C) or below or at 140°F (60°C) or above while being displayed or served, except that rare roast beef may be held for service at a temperature of at least 130°F (55°C).

2. Adequate facilities for maintaining or displaying potentially hazardous hot or cold food must be available to maintain the required temperature of the potentially hazardous food.

3. Foods intended for sale in a frozen state must be displayed at an ambient temperature of 0°F (-18°C) or below, except for defrost cycles and brief periods of loading or unloading. Frozen foods must be displayed below or behind product food lines according to the specifications of the cabinet manufacturer.

4. Except as otherwise provided in this subsection, exposed raw food of animal origin may not be offered in a manner in which a customer is allowed to serve himself. Raw food of animal origin may be offered for immediate consumption as a raw food at a buffet or salad bar if the raw food is first prepared for consumption by an employee of the food establishment. Raw food of animal origin may be offered for immediate consumption as a cooked food if a customer selects the raw food and other ingredients and an employee of the food establishment cooks and prepares all the ingredients.

5. If raw or undercooked food of animal origin is offered ready to eat at a food establishment or in a vending machine, or as an ingredient in another food that is ready to eat, the holder of the permit to operate the food establishment must give written notice to customers of the significantly increased risk associated with eating such foods in a raw or undercooked form on a brochure, delicatessen case, menu or placard or in another location that is readily visible to customers.

Section 126. NAC 446.157 is hereby amended to read as follows: (DELETED)

NAC 446.157 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 4 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

(c) The holder of the permit for the operation of the food establishment creates and maintains, on the premises and available for review by the health authority, written procedures ensuring compliance with paragraphs (a) and (b).

2. Potentially hazardous food that has been refrigerated since receipt by the food establishment may be kept at an internal temperature above 40°F (4.44°C) or below 45°F (7.2°C) while being stored before cooking or while being displayed for immediate service if:

(a) The food is cooked or served within 72 hours after the time its temperature exceeds 40°F (4.44°C) or goes below 45°F (7.2°C);

(b) The food is marked or otherwise identified with the hour of the day by which it must be cooked, served or discarded;

(c) The food is constantly refrigerated; and

(d) The holder of the permit for the operation of the food establishment creates and maintains, on the premises and available for review by the health authority, written procedures ensuring compliance with paragraphs (a), (b) and (c).

3. Any potentially hazardous food kept pursuant to subsection 1 or 2:

- (a) In a container or package which does not have the hour by which it must be cooked, served or discarded marked on it; or
- (b) For longer than the time specified in those subsections, must be discarded.

Section 127. NAC 446.170 is hereby amended to read as follows: (DELETED)

NAC 446.170 Service of food: Condiments. (NRS 439.150, 439.200, 446.940)

1. 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.
2. 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.
3. Sugar must be provided in single packages or in covered dispensers that pour.

Section 128. NAC 446.180 is hereby amended to read as follows: (DELETED)

NAC 446.180 Service of food: Dispensing utensils. (NRS 439.150, 439.200, 446.940)

1. Suitable dispensing utensils, adequate in number, must be used by employees when serving food or provided to customers who serve themselves.
2. 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;
 - (c) Stored in running water; or
 - (d) Stored in a dipper well of running water.
3. If bulk food sold at retail is dispensed by customers who serve themselves, manual contact of foods by the customer during dispensing must be avoided. Some methods considered suitable include:
 - (a) The use of mechanical dispensing devices, including gravity dispensers, pumps, extruders and augers.
 - (b) The use of wrapping or sacking.
 - (c) The use of a tether for the utensil. Such a tether must be:
 - (1) Constructed of easily cleanable material;
 - (2) Of such a length that the utensil cannot contact the floor;
 - (3) Designed to prevent interference with covers which fit closely; and
 - (4) Easily removable for cleaning.
 - (d) Storage of the utensil in a sleeve or protective housing attached or adjacent to the display unit when not in use, or by utilizing a utensil designed so that the handle cannot contact the product if left in the product module.
4. 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.

Section 129. NAC 446.190 is hereby amended to read as follows: (DELETED)

NAC 446.190 Service of food: Leftover food. (NRS 439.150, 439.200, 446.940) Portions of a customer's leftover food may not be served again, except that packaged food, other than potentially hazardous food, that is still packaged and is in sound condition may be served again. Fruit with the exterior surface intact may be served again.

Section 130. NAC 446.195 is hereby amended to read as follows: (DELETED)

NAC 446.195 Transportation of food. (NRS 439.150, 439.200, 446.940)

1. During transportation, food and utensils used with food must be kept in covered containers or completely wrapped or packaged. The provisions of this subsection do not apply to hanging parts of carcasses, quarters, sides of meat, or raw fruits and vegetables.
2. Foods in original single packages do not need to be wrapped again or covered if the original package has not been torn or broken.
3. During transportation, including transportation to another location for service or catering operations, food must meet the requirements of this chapter relating to its protection, temperature and storage.

Section 131. NAC 446.198 is hereby amended to read as follows: (DELETED)

NAC 446.198 Person in charge and holder of permit: Qualifications and responsibilities. (NRS 439.150, 439.200, 446.940) 1. The responsibility for assuring that the employees of a food establishment comply with the provisions of this chapter must be clearly assigned to the person in charge of the establishment.

2. The person in charge must be the holder of the permit for the operation of the establishment or a person designated by the holder of the permit to be in charge. The holder of the permit shall ensure that a person in charge is present at the food establishment during all hours of operation.

3. The person in charge of a food establishment must be able to demonstrate a knowledge of and apply the provisions of this chapter regulating the protection and sanitation of food, including, but not limited to, a knowledge of:

- (a) The proper sources of food;
- (b) Safe temperatures and time relationships for potentially hazardous food;
- (c) The elements of good personal hygiene;
- (d) Approved procedures for washing equipment and utensils;
- (e) The storage and use of toxic items; and
- (f) The control of insects, rodents and other animals.

4. A food establishment in which customers serve themselves must be supervised by persons who are trained in procedures for correcting any unsanitary conditions created by the customers.

Section 132. NAC 446.200 is hereby amended to read as follows: (DELETED)

NAC 446.200 Employees required to keep hands clean; use of gloves. (NRS 439.150, 439.200, 446.940)

1. Employees of food establishments must thoroughly wash their hands and the exposed portions of their arms 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 or handling support animals, after coughing, sneezing or using a handkerchief or disposable tissue, or as often as is necessary to keep them clean.

2. Employees must keep their fingernails clean and trimmed.

3. When washing their hands, employees must use a nailbrush to clean their fingertips, under their fingernails and between their fingers.

4. A supply of nailbrushes intended for a single use must be available at each sink that is used by food handlers for washing hands. One nailbrush intended to be used more than once may be supplied instead of nailbrushes intended for a single use if it is stored in a sanitizing solution of 50 parts per million (ppm) of chlorine or another sanitizer that has been approved by the health authority.

5. 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.

Section 134. NAC 446.210 is hereby amended to read as follows: (DELETED)

NAC 446.210 Required and prohibited behavior: Consumption of food and beverages; use of tobacco; handling of soiled tableware; hygiene; jewelry. (NRS 439.150, 439.200, 446.940)

1. Except as otherwise provided in subsection 2, employees may consume food only in areas designated for that purpose. Food may not be consumed in an area where the contamination of other food, equipment, utensils or other items needing protection may occur.

2. A food handler may consume, in all areas of a food establishment, a beverage from a container that has a lid and a permanent straw, if the straw has no cap on it and if the container is handled to prevent the contamination of:

- (a) The employee's hands;
- (b) The container;
- (c) Any exposed food;
- (d) Clean equipment;
- (e) Utensils;
- (f) Linens; and
- (g) Unwrapped articles intended to be disposed of by the customer after a single use.

3. Employees may not use tobacco in any form while preparing or serving food or in areas used for washing equipment or utensils or for preparing food.

4. Employees may use tobacco only in areas designated for that purpose. Tobacco may not be used in an area where the contamination of food, equipment, utensils or other items needing protection may occur.

5. Employees shall handle soiled tableware, including ashtrays, in a way that minimizes the contamination of their hands. An employee assigned to remove soiled tableware shall not set clean tableware if his hands become contaminated unless he first washes his hands.

6. Employees shall maintain a high degree of personal cleanliness and conform to good hygienic practices while working in the food establishment.

7. Employees may not wear jewelry on their hands or arms while preparing food, except that a plain band with no stone or object attached to it may be worn on a finger.

Section 135. NAC 446.211 is hereby amended to read as follows: (DELETED)

NAC 446.211 Food handler required to report on health and diseases; presence of infected or ill food handler prohibited. (NRS 439.150, 439.200, 446.935, 446.940)

1. The holder of a permit for the operation of a food establishment shall require each food handler and each applicant to become a food handler to report verbally to the holder of the permit information about his health and activities as they relate to diseases that may be transmitted through food.

2. A person in charge shall prohibit the physical presence of a food handler in the food establishment if the food handler:

(a) Is diagnosed as carrying any of the following infectious agents:

- (1) *Salmonella typhi*;
- (2) *Shigella* spp.;
- (3) *Escherichia coli* 0157:H7; or
- (4) Hepatitis A virus infection;

(b) Has a symptom that is associated with acute gastrointestinal illness, such as abdominal cramps, diarrhea, fever, loss of appetite for 3 or more consecutive days, vomiting or jaundice; or

(c) Has a pustular lesion on any exposed part of his body, including, without limitation, a boil or an open or draining infected wound, unless the lesion is covered by a dry, durable bandage that fits tightly.

Section 136. NAC 446.212 is hereby amended to read as follows: (DELETED)

NAC 446.212 Return to work of food handler infected with *Salmonella typhi*. (NRS 439.150, 439.200, 446.935, 446.940)

1. The health authority shall allow a food handler who was infected with *Salmonella typhi* to return to work in a food establishment if three consecutive cultures developed from stool specimens of the food handler test negative for *Salmonella typhi* and if each stool specimen was obtained:

- (a) Not earlier than 1 month after the onset of the infection;
- (b) At least 48 hours after the food handler stopped taking antibiotics; and
- (c) At least 24 hours after the previous specimen, if any, was obtained.

2. If one of the cultures obtained pursuant to this section tests positive, the next culture may be obtained not sooner than 1 month after the positive culture was obtained.

Section 137. NAC 446.213 is hereby amended to read as follows: (DELETED)

NAC 446.213 Return to work of food handler infected with *Shigella* spp. or *Escherichia coli* 0157:H7. (NRS 439.150, 439.200, 446.935, 446.940) The health authority shall allow a food handler who was infected with *Shigella* spp. or *Escherichia coli* 0157:H7 to return to work in a food establishment if two consecutive cultures developed from stool specimens of the food handler test negative for *Shigella* spp. or *Escherichia coli* 0157:H7 and if each stool specimen was obtained:

1. At least 48 hours after the food handler stopped taking antibiotics; and
2. At least 24 hours after the previous specimen, if any, was obtained.

Section 138. NAC 446.214 is hereby amended to read as follows: (DELETED)

NAC 446.214 Return to work of food handler infected with hepatitis A virus. (NRS 439.150, 439.200, 446.935, 446.940) The health authority shall allow a food handler who was infected with hepatitis A virus to return to work in a food establishment if:

1. Symptoms cease; or
2. At least two blood tests indicate a decrease in liver enzymes.

Section 139. NAC 446.215 is hereby amended to read as follows: (DELETED)

NAC 446.215 Materials for equipment and utensils. (NRS 439.150, 439.200, 446.940)

1. Equipment and utensils designed for multiple use must be constructed and repaired with safe materials and must be resistant to corrosion, nonabsorbent, smooth, easy to clean and durable under conditions of normal use.
2. Articles designed for a single use must be made from materials which are clean, sanitary and safe.
3. Equipment, utensils and articles designed for a single use must not impart any odor, color or taste, or contribute to the contamination of food.
4. If solder is used, it must be nontoxic, free of cadmium, lead, antimony and bismuth and resistant to corrosion.
5. Hard maple or materials which are equivalently nonabsorbent, nontoxic, smooth and free of cracks, crevices or open seams may be used for cutting blocks, cutting boards, salad bowls, bakers' tables and wooden paddles used in confectionary operations for pressure scraping kettles when confections are manually prepared at a process temperature of 230°F (110°C) or above.
6. Wood may be used for articles designed for a single use, such as chop sticks, stirrers or spoons for ice cream.
7. Except as otherwise provided in subsections 5 and 6, surfaces which come into contact with food may not be made of wood.
8. Materials such as plastic or rubber that resist scratching, scoring, decomposition, crazing, chipping and distortion under normal use and are of a sufficient weight and thickness to permit cleaning and sanitizing by normal methods, may be used repeatedly as long as they remain smooth, nonabsorbent and easy to clean.

Section 140. NAC 446.220 is hereby amended to read as follows: (DELETED)

NAC 446.220 Articles designed for single use. (NRS 439.150, 439.200, 446.940)

1. Mollusk and crustacea shells may be used only once as serving containers.
2. Articles which are designed for a single use may not be used more than once.
3. Plastic bags or disposable liners used as product modules and designed for a single use must be of nontoxic materials and of sufficient thickness to resist tears and cuts.

Section 141. NAC 446.230 is hereby amended to read as follows: (DELETED)

NAC 446.230 Equipment and utensils required to be durable. (NRS 439.150, 439.200, 446.940) All equipment and utensils, including equipment and utensils made of plastic, must be durable under normal use and must resist denting, buckling, pitting, chipping and crazing.

Section 142. NAC 446.235 is hereby amended to read as follows: (DELETED)

NAC 446.235 Surfaces which may contact food. (NRS 439.150, 439.200, 446.940)

1. Surfaces which may come into contact with food must be easily cleanable, smooth and free of breaks, open seams, cracks, chips, pits and similar imperfections. These surfaces must be free of internal corners and crevices which are difficult to clean.
2. Copper and copper alloys, such as brass, may not be used in contact with a food that has a pH below 7.0, such as vinegar, fruit juice or wine, or for a fitting or tubing installed between a carbonator and a device to prevent backflow.
3. Galvanized metal may not be used for utensils or surfaces which may come into contact with food that are on equipment used for beverages, moist food or hygroscopic food.

4. Except as otherwise provided in this subsection, linens and napkins may not be used in contact with food. Linens and napkins may be used to line containers used for the service of food if the linens or napkins are replaced each time the container is refilled.

5. Cloth gloves and gloves made of a material that is resistant to cuts may be used in direct contact with food that is subsequently cooked, such as frozen food or a primal cut of meat.

6. Pewter may not be used as a surface which may come into contact with food.

7. Cast iron may be used as a surface which may come into contact with food only if the food is nonacidic and the surface is heated.

8. Unless designed for cleaning in place, surfaces which come into contact with food must be accessible for cleaning and inspection:

(a) Without being disassembled;

(b) By disassembling without the use of tools; or

(c) By easy disassembling with the use of only simple tools such as a mallet, screwdriver or open-ended wrench. Such tools must be kept clean and maintained near the equipment and must be stored in such a manner that they do not contaminate food or surfaces which may come into contact with food.

9. Product modules, lids, dispensing units and utensils must be designed and fabricated to comply with this section.

10. Cold plates or other devices that are used to chill liquids must be built into a bin used for the storage of ice.

Section 143. NAC 446.240 is hereby amended to read as follows: (DELETED)

NAC 446.240 Surfaces which do not contact food. (NRS 439.150, 439.200, 446.940)

1. Surfaces of equipment not intended for contact with food, but which are exposed to splashed liquids or debris or which otherwise require frequent cleaning, must be smooth, washable, free of unnecessary ledges, projections or crevices and readily accessible for cleaning. The surfaces must be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

2. Tethers for utensils used for bulk food must be designed to be easily removable from the product module for cleaning.

Section 144. NAC 446.245 is hereby amended to read as follows: (DELETED)

NAC 446.245 Threads in equipment. (NRS 439.150, 439.200, 446.940)

1. Threads in any equipment must be easy to clean.

2. Ordinary “V” type threads are prohibited on surfaces which may come in contact with food, except that in equipment such as ice makers, cooking equipment using hot oil or filtering systems for hot oil, such threads may be used but must be minimized.

Section 145. NAC 446.250 is hereby amended to read as follows: (DELETED)

NAC 446.250 Lubricants for equipment. (NRS 439.150, 439.200, 446.940)

1. Equipment with bearings and gears that require unsafe lubricants must be designed and constructed so that the lubricant cannot leak, drip or be forced into food or onto surfaces which may come into contact with food.

2. Safe lubricants must be used on all other equipment with bearings and gears which require lubrication or on surfaces that may come into contact with food.

Section 146. NAC 446.255 is hereby amended to read as follows: (DELETED)

NAC 446.255 Tubes for beverages. (NRS 439.150, 439.200, 446.940) Tubes which convey beverages or ingredients for beverages to the head of a dispenser may not touch stored ice that is intended for use as food.

Section 147. NAC 446.260 is hereby amended to read as follows: (DELETED)

NAC 446.260 Cleaning of equipment fixed in place. (NRS 439.150, 439.200, 446.940)

1. Equipment intended for cleaning in place must be designed and fabricated so that:
 - (a) Solutions for cleaning and sanitizing can be circulated through a fixed system using an effective cleaning and sanitizing regimen;
 - (b) Solutions for cleaning and sanitizing will contact all interior surfaces which come in contact with food; and
 - (c) The system drains automatically or can be completely evacuated.
2. Equipment which is fixed in place and which must be cleaned and sanitized by using a pressure spray must have electrical wiring, switches and connections which are sealed.
3. Equipment which is fixed in place and not designed to be disassembled for cleaning must be designed with points that allow access to ensure that all interior surfaces which may come into contact with food are being cleaned effectively.

Section 148. NAC 446.265 is hereby amended to read as follows: (DELETED)

NAC 446.265 Indicating thermometers for food; devices for measuring food temperature. (NRS 439.150, 439.200, 446.940)

1. Indicating thermometers for food must:
 - (a) Have a metal stem;
 - (b) Be numerically scaled;
 - (c) Be calibrated in accordance with the manufacturer's specifications to ensure their accuracy; and
 - (d) Be accurate to plus or minus 2°F.
2. Devices for measuring food temperature must not have sensors or stems constructed of glass, unless they are encased in a shatterproof coating.

Section 149. NAC 446.270 is hereby amended to read as follows: (DELETED)

NAC 446.270 Hoods for ventilation; filters for grease. (NRS 439.150, 439.200, 446.940)

1. Hoods and devices for ventilation must prevent grease or condensation from collecting on walls and ceilings, or from dripping into food or onto surfaces which come in contact with food.
2. Filters or other equipment used to extract grease must be easy to remove for cleaning and replacement if not designed to be cleaned in place.

Section 150. NAC 446.280 is hereby amended to read as follows: (DELETED)

NAC 446.280 Location of equipment. (NRS 439.150, 439.200, 446.940)

1. Equipment, including ice makers and equipment for storing ice, may not be located under exposed or unprotected sewer lines or waterlines, open stairwells or other sources of contamination.
2. The requirement of subsection 1 does not apply to automatic sprinklers required by law.

Section 151. NAC 446.285 is hereby amended to read as follows: (DELETED)

NAC 446.285 Equipment mounted on table or counter. (NRS 439.150, 439.200, 446.940)

1. Equipment mounted on a table or counter, unless portable, must be sealed to the table or counter or elevated on legs with a clearance of at least 4 inches (10 centimeters) between the table or counter and the equipment. The equipment must be installed to facilitate the cleaning of the equipment and adjacent areas.

2. For the purposes of this section, equipment is portable if:

(a) It weighs 30 pounds (14 kilograms) or less and is mounted on casters, gliders or rollers, or is equipped with a mechanical system that requires no more than 30 pounds (14 kilograms) of force to safely tilt it; and

(b) It has no utility connection, has a utility connection that disconnects quickly or has a flexible utility connection of sufficient length to permit the equipment to be moved for easy cleaning.

Section 152. NAC 446.290 is hereby amended to read as follows: (DELETED)

NAC 446.290 Equipment mounted on floor. (NRS 439.150, 439.200, 446.940)

1. Equipment which is mounted on the floor, unless it can be moved easily, must be:

(a) Sealed to the floor;

(b) Installed on a raised platform of concrete or other smooth masonry in a way that meets all the requirements for sealing and clearance; or

(c) Elevated on legs with a clearance of at least 6 inches (15 centimeters) between the floor and the equipment, except that mixers which are vertically mounted may be elevated to allow a clearance of at least 4 inches (10 centimeters) between the floor and the mixer if no part of the floor under the mixer is more than 6 inches (15 centimeters) from access for cleaning.

2. Equipment mounted on the floor is considered to be easy to move if:

(a) It is mounted on wheels or casters; and

(b) It has no utility connection, 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.

Section 153. NAC 446.295 is hereby amended to read as follows: (DELETED)

NAC 446.295 Spaces between equipment. (NRS 439.150, 439.200, 446.940)

1. Unless sufficient space is provided for easy cleaning between, behind and above each unit of equipment which is fixed in place, the space between it and adjoining equipment and adjacent walls or the ceiling must not be more than one thirty-second of an inch. If exposed to seepage, the equipment must be sealed to the adjoining equipment or adjacent walls or ceilings.

2. Aisles and working spaces between equipment and walls must be unobstructed and of sufficient width to permit employees to perform their duties without contaminating the food or surfaces which come in contact with food. All storage equipment which can be moved easily, such as pallets, racks and dollies, must be positioned to provide accessibility to working areas.

Section 154. NAC 446.300 is hereby amended to read as follows: (DELETED)

NAC 446.300 Cleaning tableware, kitchenware, utensils and other equipment. (NRS 439.150, 439.200, 446.940)

1. Tableware must be washed, rinsed and sanitized after each use.

2. Kitchenware and surfaces which come in contact with food must be washed, rinsed and sanitized:

(a) After each use;
(b) Following any interruption of operations during which contamination may have occurred;
and

(c) If contamination is observed or suspected.

3. Utensils and tethers for utensils used by customers in retail stores must be cleaned and sanitized at least daily or at more frequent intervals as required for the type of food or because of the accumulation of food particles.

4. Product modules, lids and other equipment must be cleaned:

(a) Before they are restocked;

(b) If they are soiled; or

(c) At periodic intervals, depending upon the type of food and the accumulation of food particles.

Section 155. NAC 446.305 is hereby amended to read as follows: (DELETED)

NAC 446.305 Equipment and utensils used to prepare potentially hazardous foods. (NRS 439.150, 439.200, 446.940) Where equipment and utensils are used for preparing potentially hazardous foods on a continuous basis or in a production line, the utensils and the surfaces of the equipment which come in contact with food must be washed, rinsed and sanitized at intervals throughout the day according to a schedule based on the temperature of the food, the type of food and the amount of accumulated particles of food.

Section 156. NAC 446.310 is hereby amended to read as follows: (DELETED)

NAC 446.310 Cleaning of grills. (NRS 439.150, 439.200, 446.940)

1. The surfaces of grills, griddles and similar cooking devices and the cavities and seals around the doors of microwave ovens which come in contact with food must be cleaned at least once a day. This requirement does not apply to hot oil cooking equipment and hot oil filtering systems.

2. The surfaces of all cooking equipment coming in contact with food must be kept free of encrusted deposits of grease and other accumulated soil.

Section 157. NAC 446.315 is hereby amended to read as follows: (DELETED)

NAC 446.315 Cleaning of equipment which does not contact food. (NRS 439.150, 439.200, 446.940) Surfaces of equipment which do not come in contact with food must be cleaned as often as necessary to keep the equipment free of accumulated dust, dirt, particles of food and other debris.

Section 158. NAC 446.318 is hereby amended to read as follows: (DELETED)

NAC 446.318 Maintenance and cleaning of fogger for produce. (NRS 439.150, 439.200, 446.940) The holder of a permit for the operation of a food establishment shall ensure that the reservoir that is used to supply water to a fogger for produce is maintained and cleaned according to the manufacturer's specifications or at least once a week according to all the following specifications:

1. The parts that contact water or aerosol, or both, must be completely disassembled and drained.

2. The reservoir, aerosol tubing and discharge nozzles must be cleaned with a brush and a solution of hot water and detergent.

3. The complete system must be flushed with water to remove the solution of hot water and detergent and any accumulation of particles.

4. The reservoir, aerosol tubing and discharge nozzles must be rinsed by immersing those parts in, or spraying or swabbing those parts with, a solution containing at least 50 parts per million (ppm) of hypochlorite.

Section 159. NAC 446.320 is hereby amended to read as follows: (DELETED)

NAC 446.320 Cloths used to wipe up food. (NRS 439.150, 439.200, 446.940)

1. Cloths to be used by cooks for wiping up food spilled on tableware, such as a plate or bowl containing food for a customer, must be clean, dry and used for no other purpose.

2. Moist cloths used for wiping up food spilled on kitchenware and surfaces of equipment which come in contact with food and for cleaning surfaces of equipment which do not come in contact with food, such as counters, serving trays, tops of dining tables and shelves, must be clean and rinsed frequently in a sanitizing solution as specified in subsection 4 of NAC 446.330. Such cloths must be used for no other purpose and must be stored in the sanitizing solution between uses.

Section 160. NAC 446.325 is hereby amended to read as follows: (DELETED)

NAC 446.325 Washing of utensils and equipment. (NRS 439.150, 439.200, 446.940)

1. For the manual washing, rinsing and sanitizing of utensils and equipment, a sink having at least three compartments and two integral drain boards of similar material that are each self-draining and of adequate size for the proper handling of soiled utensils and equipment before cleaning and for cleaned utensils following sanitizing must be used. The compartments of the sink must be large enough to accommodate the equipment and utensils, and all junctures within the compartments must be coved for easy cleaning. Each compartment must be supplied with hot and cold potable running water.

2. Fixed equipment and utensils which are too large to be cleaned in a sink must be washed manually or cleaned by using a pressurized spray. When a pressurized spray is used, the equipment must be disassembled as necessary to allow access of the pressurized spray to all parts and surfaces which must be cleaned.

3. Equipment and utensils must be preflushed or prescraped and, if necessary, presoaked to remove gross particles of food and other soil.

Section 161. NAC 446.330 is hereby amended to read as follows: (DELETED)

NAC 446.330 Sequence of manual washing. (NRS 439.150, 439.200, 446.940) Except for equipment which is fixed in place and utensils too large to be cleaned in a sink, manual washing, rinsing and sanitizing must be conducted in the following sequence:

1. Sinks must be cleaned *and sanitized* before use.

2. Equipment and utensils must be thoroughly washed in the first compartment with a detergent solution at a temperature of 110°F (43°C) or more that is changed frequently.

3. Equipment and utensils must be rinsed free of detergent and abrasives with clean water in the second compartment.

4. Equipment and utensils must be sanitized in the third compartment according to one of the following methods:

(a) Immersion for at least 1/2 minute in clean hot water at a temperature of at least 170°F (77°C).

(b) Immersion for at least 1 minute in a clean 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). Equipment and utensils must be in contact with a chlorine solution at least 10 seconds if one of the following combinations of pH, water temperature and concentration of free available chlorine is used:

Minimum Temperature	Concentration	
	pH 8.0 or less	pH 8.1-10.0
F. (C.)		
120° (48.9°)	25 ppm	25 ppm
100° (39.4°)	50	50
75° (23.9°)	50	100
55° (12.8°)	100	100

(c) Immersion for at least 1 minute in a clean solution containing at least 12.5 parts per million (ppm) of available iodine and having a pH not higher than 5.0, at a temperature of at least 75°F (24°C).

(d) Immersion of 1 minute in a clean solution containing any other agent used for sanitizing which is approved by the health authority and provides the equivalent bactericidal effect of a solution containing at least 50 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. However, these compounds must be used only in water with 500 parts per million (ppm) hardness or less.

(e) Treatment with steam which is free from materials or additives other than those approved by the health authority for equipment which is too large to sanitize by immersion, but in which steam can be confined.

(f) Rinsing, spraying or swabbing with a sanitizing solution of at least twice the strength required for that particular sanitizing solution as listed in this section for equipment which is too large to sanitize by immersion, and then rinsing, spraying or swabbing with clean water.

Section 162. NAC 446.335 is hereby amended to read as follows: (DELETED)

NAC 446.335 Facilities for sanitizing equipment using hot water. (NRS 439.150, 439.200, 446.940) When hot water is used for sanitizing, the following facilities must be used:

1. A device or fixture for heating which is installed in, on or under the sanitizing compartment of the sink and is capable of maintaining the water at a temperature of at least 170°F (77°C).
2. An indicating thermometer which is numerically scaled and accurate to plus or minus 2°F (1°C) and is convenient for frequent checks of the temperature of the water.
3. Dish baskets of a size and design which permit the complete immersion of the tableware, kitchenware and equipment.

Section 163. NAC 446.340 is hereby amended to read as follows: (DELETED)

NAC 446.340 Chemicals for sanitizing equipment. (NRS 439.150, 439.200, 446.940)

1. If chemicals are used for sanitizing equipment and utensils, they must not have concentrations higher than the maximum permitted by the health authority.

2. A kit for testing or other device that accurately measures the concentration of the solution in parts per million must be used.

Section 164. NAC 446.345 is hereby amended to read as follows: (DELETED)

NAC 446.345 Dishwashing machines: General requirements. (NRS 439.150, 439.200, 446.940)

1. Cleaning and sanitizing may be done by dishwashing machines which spray or immerse the dishes or by any other type of machine or device if the machine or device thoroughly cleans and sanitizes the equipment and utensils. These machines and devices must be properly installed and maintained in good repair.

2. Machines and devices must be operated in accordance with the manufacturer's instructions.

3. Utensils and equipment placed in the machine or device must be exposed to all dishwashing cycles.

4. Dispensers of automatic detergents, wetting agents and liquid sanitizers must be properly installed, operated and maintained.

5. The pressure of the water used for the final rinse in dishwashing machines may not be less than 15 nor more than 25 pounds per square inch, measured in the waterline immediately adjacent to the valve that controls the final rinse. A 1/4-inch (6.35 millimeters) internal pipe size valve and pressure gauge mounted in the valve must be used immediately upstream from the valve that controls the final rinse to permit a check of the pressure of the flow of the water. The pressure gauge must have an accuracy of plus or minus 2 pounds per square inch in the 15 to 25 pounds per square inch use range. The provisions of this subsection do not apply to pumped or recirculated rinse.

6. An indicating thermometer which is numerically scaled, mounted in the machine or at the waterline and accurate to plus or minus 2°F (1°C) must be used to indicate the temperature of the water in each tank of the machine and the temperature of the water used for the final rinse as it enters the manifold.

7. Tanks for water used to rinse the dishes must be protected by baffles, curtains or other effective means to minimize the entry of the water used to wash the dishes. Conveyors in dishwashing machines must be accurately timed to ensure proper exposure in all cycles in accordance with the manufacturer's specifications.

8. Integral drain boards of an adequate size that are self-draining must be used for the proper handling of soiled utensils before washing and of clean utensils following sanitization and must be located and constructed so that they do not interfere with the proper use of the dishwashing facilities.

9. Equipment and utensils must be flushed or scraped and, if necessary, soaked to remove gross particles of food and other soil before being washed in a dishwashing machine unless the machine has a prewash cycle. Equipment and utensils must be placed in racks, trays, baskets or on conveyors so that surfaces coming in contact with food are exposed to the unobstructed application of detergent and clean water.

10. Equipment and utensils must drain freely.

11. Dishwashing machines and devices must have an easily accessible and readable plate that is affixed to the machine by the manufacturer and indicates the machine's design and operating specifications. All dishwashing machines must conform to the manufacturer's specifications.

Section 165. NAC 446.350 is hereby amended to read as follows: (DELETED)

NAC 446.350 Dishwashing machines: Use of chemicals. (NRS 439.150, 439.200, 446.940)

Dishwashing machines that use chemicals for sanitization may be used if:

1. The temperature of the water used for washing is not less than 120°F (49°C);
2. The water used for washing is kept clean;
3. The chemicals added for sanitization are automatically dispensed;
4. Utensils and equipment are exposed to the final rinse in accordance with the manufacturer's specifications for time and concentration;
5. The temperature of the water used for rinsing is not less than 120°F (49°C) or less than the temperature specified by the manufacturer of the machine;
6. The chemicals used meet the requirements of the health authority; and
7. A kit for testing or other device that accurately measures the concentration of the solution in parts per million is available and is used.

Section 166. NAC 446.355 is hereby amended to read as follows: (DELETED)

NAC 446.355 Dishwashing machines: Use of hot water. (NRS 439.150, 439.200, 446.940)

Dishwashing machines using hot water for sanitizing may be used if the water used for washing and the water used for rinsing is kept clean and is maintained at not less than the following temperatures:

1. Machines with a single tank, stationary rack and a dual washing temperature:

Temperature for washing.....	150°F (66°C)
Temperature for final rinse.....	180°F (82°C)
2. Machines with a single tank, stationary rack and a single washing temperature:

Temperature for washing.....	165°F (74°C)
Temperature for final rinse.....	165°F (74°C)
3. Machines with a single tank and a conveyor:

Temperature for washing.....	160°F (71°C)
Temperature for final rinse.....	180°F (82°C)
4. Machines with multiple tanks and a conveyor:

Temperature for washing.....	150°F (66°C)
Temperature for pumped rinse.....	160°F (71°C)
Temperature for final rinse.....	180°F (82°C)
5. Machines used to wash pots, pans and utensils having a single tank and a stationary or moving rack:

Temperature for washing.....	140°F (60°C)
Temperature for final rinse.....	180°F (82°C)

Section 167. NAC 446.360 is hereby amended to read as follows: (DELETED)

NAC 446.360 Dishwashing machines: Cleaning of machines. (NRS 439.150, 439.200, 446.940) All dishwashing machines, including food screens, spray arms and flaps, must be cleaned thoroughly at the end of each 8-hour shift or when necessary to maintain them in a satisfactory operating condition.

Section 168. NAC 446.365 is hereby amended to read as follows: (DELETED)

NAC 446.365 Equipment and utensils required to be dried with air. (NRS 439.150, 439.200, 446.940) After sanitization, all equipment and utensils must be dried with air.

Section 169. NAC 446.370 is hereby amended to read as follows: (DELETED)

NAC 446.370 Handling of equipment and utensils after cleaning. (NRS 439.150, 439.200, 446.940)

1. Equipment and utensils which have been cleaned and sanitized must be handled in a way that protects them from contamination.
2. Spoons, knives and forks must be touched only by their handles.
3. Cups, glasses, bowls, plates and similar items must be handled without contact with their inside surfaces or surfaces that contact the user's mouth.
4. Utensils that have been dried with air may be polished with cloths that are kept clean and dry.

Section 170. NAC 446.365 is hereby amended to read as follows: (DELETED)

NAC 446.375 Storage of sanitized utensils and equipment. (NRS 439.150, 439.200, 446.940)

1. Cleaned and sanitized utensils and equipment must be stored at least 6 inches (15 centimeters) above the floor in a clean, dry location in a way that protects them from contamination. The surfaces of fixed equipment which may come into contact with food must also be protected from contamination. Equipment and utensils must not be placed under exposed sewer lines or waterlines, unless the lines are automatic sprinklers required by law.
2. Glasses and cups must be stored inverted on a nonabsorbent, cleanable surface. Other stored utensils must be covered or inverted, wherever practical.
3. Facilities for the storage of knives, forks and spoons must be designed and used to present the handle of the utensils to the employee or the customer. Unless tableware is prewrapped, holders for knives, forks and spoons at locations where customers serve themselves must protect these articles from contamination and present the handle of the utensil to the customer.

Section 171. NAC 446.385 is hereby amended to read as follows: (DELETED)

NAC 446.385 Handling and storage of articles designed for single use. (NRS 439.150, 439.200, 446.940)

1. Articles designed for a single use must be handled and dispensed in a manner that prevents the contamination of surfaces which may come into contact with food or with the mouth of the user.
2. 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 prewrapped or prepackaged, holders must be provided which protect these items from contamination and present the handle of the utensil to the customer.
3. The storage of equipment, utensils or articles designed for a single use in rooms with toilets or their vestibules or in rooms containing garbage or mechanical fixtures is prohibited.
4. Articles designed for single use must be stored at least 6 inches (15 centimeters) above the floor in closed cartons or containers which protect them from contamination. They may not be

placed or stored under exposed sewer lines or waterlines, unless the lines are automatic sprinklers required by law.

Section 172. NAC 446.390 is hereby amended to read as follows: (DELETED)

NAC 446.390 Articles for single use required when cleaning facilities not available. (NRS 439.150, 439.200, 446.940) If adequate and effective facilities for cleaning and sanitizing utensils are not available, only articles designed for a single use may be used.

Section 173. NAC 446.405 is hereby amended to read as follows: (DELETED)

NAC 446.405 Water under pressure; system for hot water. (NRS 439.150, 439.200, 446.940) Water which is under pressure and maintained at the required temperature must be provided to all fixtures and equipment that use water. The system that generates and distributes hot water must be capable of meeting the demands of the entire food establishment at all times.

Section 174. NAC 446.475 is hereby amended to read as follows: (DELETED)

NAC 446.475 Establishment required to be kept free of litter. (NRS 439.150, 439.200, 446.940)

1. A food establishment and all property used in connection with its operation must be kept free of litter.
2. The walking and driving surfaces of all exterior areas of food establishments must be covered with concrete, asphalt, gravel or similar material which is effectively treated to facilitate maintenance, minimize dust and prevent muddy conditions. These surfaces must be graded to prevent pooling and must be kept free of litter.

Section 175. NAC 446.480 is hereby amended to read as follows: (DELETED)

NAC 446.480 Use of measures to minimize or eliminate presence of insects and rodents required. (NRS 439.150, 439.200, 446.940) Effective measures to minimize the presence of rodents, flies, cockroaches and other insects on the premises, including routine inspections to detect the presence of such specimens, must be utilized. The premises, including the contiguous land or property under the control of the holder of the permit for the operation of the food establishment, must be kept in a condition designed to prevent or eliminate the harboring or feeding of insects or rodents.

Section 176. NAC 446.485 is hereby amended to read as follows: (DELETED)

NAC 446.485 Protection of openings to outside. (NRS 439.150, 439.200, 446.940)

1. Openings to the outside must be effectively protected against the effects of the weather and the entrance of rodents and insects by the use of doors which fit tightly and close automatically, closed windows, screens, controlled air currents, air curtains or other means approved by the health authority.
2. Doors with screens must close automatically and screens for windows, doors, skylights, transoms, intake and exhaust air ducts and other openings to the outside must fit tightly and be free of breaks.
3. Material for screens may not be less than 16 mesh to the inch.

Section 177. NAC 446.490 is hereby amended to read as follows: (DELETED)

NAC 446.490 Use of pesticides, rodenticides and insecticides. (NRS 439.150, 439.200, 446.940)

1. Only pesticides and rodenticides approved by the State Department of Agriculture for use in a food establishment may be used.

2. If a general-use pesticide is used:

(a) Automatic spray dispensers must be installed pursuant to the manufacturer's instructions, but in no case directly above food, and at least 15 lineal feet (4.57 meters) from any packaged or unpackaged food or any surface which may come into contact with food or utensils.

(b) The active material dispensed through the automatic spray dispenser must be limited to pyrethrins, piperonyl butoxide and MGK-264 (N-octylbicycloheptene dicarboximide).

(c) The pesticide may not be applied as a component of paint in an area where food is exposed or an area which is subject to drips, drains or splashes.

(d) A "bait station" must be:

(1) Covered;

(2) Designed so that it cannot be tampered with; or

(3) If open, maintained so that the pesticide is kept within the station.

(e) A tracking powder may not be used.

3. If a restricted-use pesticide is used, it must be applied by a certified applicator pursuant to the applicable law.

4. An operator of a food establishment who engages in the regular application of insecticide or pesticide at the establishment after September 16, 1992, must submit a plan for application to the health authority. The plan must be approved by the health authority and include:

(a) The name of the applicator, if the operator contracts for such services;

(b) The names and purposes of the chemicals to be used;

(c) The dates or frequency that the chemicals will be used;

(d) The method or methods to be used for the protection of food, equipment and persons; and;

(e) The method to be used for cleaning the establishment after the application of the insecticide or pesticide.

Any changes to such a plan must be submitted to the health authority before another application may occur.

Section 178. NAC 446.500 is hereby amended to read as follows: (DELETED)

NAC 446.500 Height of ceilings. (NRS 439.150, 439.200, 446.940) Ceilings may not be less than 8 feet (240 centimeters) high in food establishments.

Section 179. NAC 446.505 is hereby amended to read as follows: (DELETED)

NAC 446.505 Floors flushed with water for cleaning. (NRS 439.150, 439.200, 446.940)

Drains with traps must be used in floors that are flushed with water for cleaning or that receive discharges of water or other fluid waste from equipment, or in areas where a pressure spray is used for cleaning equipment. Such floors must be constructed only of sealed concrete, terrazzo, ceramic tile or similar materials, and must be graded to drain.

Section 180. NAC 446.510 is hereby amended to read as follows: (DELETED)

NAC 446.510 Mats and duckboards. (NRS 439.150, 439.200, 446.940)

1. Mats and duckboards must be made of nonabsorbent materials which are resistant to grease, easy to clean and designed to be removable for easy cleaning.
2. Duckboards may not be used as storage racks.

Section 181. NAC 446.515 is hereby amended to read as follows: (DELETED)

NAC 446.515 Junctures between walls and floors. (NRS 439.150, 439.200, 446.940) In all new or extensively remodeled establishments with floors made of concrete, terrazzo, ceramic tile or similar materials that are cleaned by being flushed with water, the junctures between the walls and the floors must be coved with a minimum radius of one-half inch (12.7 millimeters) and sealed. In all other cases, the junctures between walls and floors must not present an open seam of more than one thirty-second of an inch (0.79 millimeters) around coving materials.

Section 182. NAC 446.520 is hereby amended to read as follows: (DELETED)

NAC 446.520 Utility lines and pipes. (NRS 439.150, 439.200, 446.940)

1. Utility lines and pipes which are exposed must not obstruct or prevent the cleaning of the floor. In all new or extensively remodeled establishments, the installation of horizontal utility lines and pipes on the floor is prohibited. In existing establishments, they are prohibited if they present a safety hazard or if they prevent the floor from being cleaned properly.
2. Utility lines and pipes which are exposed must not obstruct or prevent the cleaning of the walls and ceilings. Utility lines and pipes must not be unnecessarily exposed on the walls or ceilings of refrigerators, areas used for preparing food or washing equipment and utensils, and rooms with toilets and vestibules. Utility lines and pipes must, as is reasonably possible, be located inside walls and floors.

Section 182.1 NAC 446.525 is hereby amended to read as follows: (DELETED)

NAC 446.525 Closures required to be in good repair. (NRS 439.150, 439.200, 446.940)

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

Section 182.2 NAC 446.530 is hereby amended to read as follows: (DELETED)

NAC 446.530 Walls and ceilings. (NRS 439.150, 439.200, 446.940) The walls, nonsupporting partitions, coverings for walls, the ceilings of walk-in refrigerators or freezers, areas used for preparing food or washing equipment and utensils, and rooms with toilets and vestibules must be light-colored, smooth, nonabsorbent, durable and easy to clean. The health authority may authorize a limited amount of texture for the walls. The walls and ceilings of walk-in refrigerators in all new establishments must be coved at all junctures and constructed of sheet metal made out of aluminum or stainless steel, plastic, tile or other impervious materials. Blocks made of concrete or pumice which are used for the construction of walls in these locations must have a smooth finish with no roughness, projections, pits, seams or texture, and must be sealed to provide a surface which is easy to clean.

Section 183. NAC 446.535 is hereby amended to read as follows: (DELETED)

NAC 446.535 Studs, joists and rafters. (NRS 439.150, 439.200, 446.940) Studs, joists and rafters may not be exposed in refrigerators, areas used for preparing food or washing equipment and utensils, and rooms with toilets and vestibules. If exposed in other rooms or areas, they must be finished to provide surfaces which are easy to clean.

Section 184. NAC 446.545 is hereby amended to read as follows: (DELETED)

NAC 446.545 Equipment attached to walls or ceilings. (NRS 439.150, 439.200, 446.940) Light fixtures, covers for vents, fans mounted on walls or ceilings, decorative materials and similar equipment attached to walls or ceilings must be easy to clean and must be maintained in good repair.

Section 185. NAC 446.555 is hereby amended to read as follows: (DELETED)

NAC 446.555 Cleaning of floors and walls. (NRS 439.150, 439.200, 446.940)

1. Floors and walls must be cleaned when the least amount of food is exposed, such as after closing or between meals, except in an emergency.

2. Floors, mats, duckboards, walls, ceilings, attached equipment and decorative materials must be kept clean.

3. Only methods of cleaning floors and walls which inhibit dust may be used, such as vacuum cleaning, wet cleaning or the use of sweeping compounds.

4. In new or extensively remodeled establishments, at least one sink for cleaning or a curbed cleaning facility with a drain in the floor must be used for the cleaning of mops or similar tools used to clean wet floors and for the disposal of water used for mopping or similar liquid wastes. Lavatories or sinks normally used for preparing food or washing utensils or equipment may not be used for this purpose.

Section 186. NAC 446.560 is hereby amended to read as follows: (DELETED)

NAC 446.560 Artificial sources of light. (NRS 439.150, 439.200, 446.940)

1. Artificial sources of light which are permanently fixed must be installed to provide at least 50 foot-candles of light on all surfaces used for preparing and at work levels used to wash equipment or utensils.

2. Artificial sources of light which are permanently fixed must be installed to provide at a distance of 30 inches (75 centimeters) from the floor:

(a) At least 20 foot-candles of light in areas used to store equipment and utensils, in sales areas and in lavatories and rooms with toilets; and

(b) At least 20 foot-candles of light for cleaning in refrigerators, areas used to store dry food and in all other areas, including dining areas.

Section 187. NAC 446.565 is hereby amended to read as follows: (DELETED)

NAC 446.565 Shatterproof light bulbs or shields for lighting fixtures required. (NRS 439.150, 439.200, 446.940) 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.

Section 188. NAC 446.570 is hereby amended to read as follows: (DELETED)

NAC 446.570 Lamps used for heat. (~~NRS 439.150, 439.200, 446.940~~) Infrared or other lamps used for heat must be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

Section 189. NAC 446.575 is hereby amended to read as follows: (DELETED)

NAC 446.575 Ventilation. (~~NRS 439.150, 439.200, 446.940~~)

1. All rooms must have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems must not, when vented to the outside, create an unsightly or harmful discharge.

2. Intake and exhaust air ducts must be designed and maintained to prevent dust, dirt and other materials from contaminating food, utensils and equipment.

3. In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors or fumes originate must be mechanically vented to the outside.

Section 190. NAC 446.580 is hereby amended to read as follows: (DELETED)

NAC 446.580 Dressing and locker rooms. (~~NRS 439.150, 439.200, 446.940~~)

1. If employees routinely change clothes in the establishment, rooms or areas must be designated and used for that purpose. These designated rooms or areas may not be used for the preparation, storage or service of food or for washing or storing utensils.

2. Enough lockers or other suitable facilities must be used for the orderly storage of the employees' clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or in rooms or areas used to store only packaged articles designed for a single use.

Section 191. NAC 446.585 is hereby amended to read as follows: (DELETED)

NAC 446.585 Poisonous or toxic materials. (~~NRS 439.150, 439.200, 446.940~~)

1. Except as otherwise provided in this subsection, 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 food establishments. Packaged poisonous or toxic materials that are offered for retail sale and employees' items for personal use may be present in food establishments.

2. Containers of poisonous or toxic materials which are in use, and any of the employees' items for personal use which have been stored at the establishment, must be prominently and distinctly labeled for easy identification of contents.

3. Poisonous or toxic materials and any of the employees' items for personal use may not be used or stored in a way that contaminates food, equipment or utensils, constitutes a hazard to employees or other persons, or other than in full compliance with the manufacturer's labeling.

4. Poisonous or toxic materials consist of the following categories:

(a) Insecticides and rodenticides; and

(b) Detergents, sanitizers, related cleaning or drying agents, caustics, acids, polishes and other chemicals.

5. Each category of poisonous or toxic materials must be stored separately. All poisonous or toxic materials must be stored in cabinets used for no other purpose and, when displayed for retail sale, must be separated by spacing, dividers or partitioning from food and articles designed for a single use. Poisonous or toxic materials must not be stored above food, equipment used

with food, utensils or articles designed for a single use, except that detergents or sanitizers may be conveniently placed by stations for washing dishes or utensils.

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

7. Original containers of poisonous or toxic materials must bear a legible manufacturer's label.

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

Section 192. NAC 446.595 is hereby amended to read as follows: (DELETED)

NAC 446.595 Medications; first-aid supplies. (NRS 439.150, 439.200, 446.940)

1. Except as otherwise provided in this section, personal medications may not be stored in areas used for the storage, preparation or service of food. The health authority may approve the storage of a medication in a refrigerator that is used for the storage of food if:

- (a) The medication requires refrigeration;
- (b) The medication is kept in a covered and locked container that does not leak and to which only the user of the medication has a key;
- (c) The container is labeled as a medication for an employee's use; and
- (d) The container is stored on the lowest shelf of the refrigerator.

2. First-aid supplies must be stored in a way that prevents them from contaminating food and surfaces which come in contact with food.

Section 193. NAC 446.600 is hereby amended to read as follows: (DELETED)

NAC 446.600 Articles stored on premises. (NRS 439.150, 439.200, 446.940)

1. Only those articles which are necessary for the operation and maintenance of the establishment may be stored on the premises.

2. Equipment that is no longer in use because it is nonfunctional or irreparable may not be stored on the premises.

Section 194. NAC 446.605 is hereby amended to read as follows: (DELETED)

NAC 446.605 Restriction of persons in areas for preparing food or washing utensils. (NRS 439.150, 439.200, 446.940) Unauthorized persons, including infants and toddlers, may not pass through or otherwise be present in the areas used for preparing food or washing utensils.

Section 195. NAC 446.610 is hereby amended to read as follows: (DELETED)

NAC 446.610 Establishments required to be separate entities. (NRS 439.150, 439.200, 446.940)

- 1. No establishment may be operated in any room used as living or sleeping quarters.
- 2. The serving or selling of food must be separated from any living or sleeping quarters by a complete partition and by solid doors which close automatically.

Section 196. NAC 446.615 is hereby amended to read as follows: (DELETED)

NAC 446.615 Laundry. (NRS 439.150, 439.200, 446.940)

1. Laundering in a food establishment is restricted to the washing and drying of linens, cloths, uniforms and aprons which are necessary to the operation of the establishment unless the

item does not need to be dried and is used immediately after being laundered. If such items are laundered on the premises, an electric or gas dryer must be used.

2. Laundry facilities must be placed in a separate room except that laundering may be conducted in storage rooms containing only packaged foods or packaged articles intended for a single use. These facilities must be properly vented.

3. Clean clothes and linens must be stored not less than 6 inches (15.24 centimeters) above the floor in a clean place and protected from contamination until used.

4. Soiled clothes and linens must be stored in nonabsorbent containers or washable bags until removed for laundering and must be stored to prevent contamination of food and equipment and utensils used in the preparation of food. A container or bag used to hold soiled clothes and linens must be so marked by letters that are not less than 2 inches (5 centimeters) high and of a contrasting color with the background.

5. Except as otherwise provided in this subsection, soiled clothes, linens or cloths may not be stored in cold storage rooms. The health authority may exempt a food establishment that processes meat, poultry or fish from the requirements of this subsection if the soiled clothes and linens are stored separate from the food.

Section 197. NAC 446.620 is hereby amended to read as follows: (DELETED)

NAC 446.620 Maintenance and storage of cleaning tools; use of sinks. (NRS 439.150, 439.200, 446.940)

1. Maintenance and cleaning tools, such as brooms, mops, buckets for mops, vacuum cleaners and similar equipment, must be maintained and stored in a way that does not contaminate food, utensils, equipment or linens and must be stored in an orderly manner.

2. Mops must be cleaned after each use and must be placed in a position and location that allows them to dry with air without soiling walls, equipment or supplies.

3. Sinks for preparing food, sinks for washing hands and equipment for washing tableware may not be used for cleaning maintenance tools, preparing or holding maintenance materials or dispensing water used to clean a surface or similar liquid wastes.

Section 198. NAC 446.625 is hereby amended to read as follows: (DELETED)

NAC 446.625 Animals on premises prohibited; exceptions. (NRS 439.150, 439.200, 446.940)

1. Except as otherwise provided in this section, live animals, including birds and turtles, are not allowed on the premises of a food establishment or on adjacent areas under the control of the holder of the permit for the operation of the food establishment. Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in a display tank may be present on the premises of a food establishment if food, equipment, utensils, linens or unwrapped articles designed for a single service or a single use are not contaminated.

2. Dogs accompanying security or police officers are permitted in offices, storage areas and dining areas. Sentry dogs may be permitted to run loose in outside fenced areas for security reasons. Guide dogs accompanying visually, aurally or physically disabled persons or trainers who are training guide dogs are permitted in dining or sales areas. Such dogs are not allowed on the seats or tables of a food establishment.

3. Food handlers must not care for or handle any pets while on duty.

4. Live or dead fish bait must be stored separately from food or food products in retail stores.

Section 199. NAC 446.745 is hereby amended to read as follows: (DELETED)

NAC 446.745 Room for cleaning units. (NRS 439.150, 439.200, 446.940)

1. A room large enough to accommodate a mobile unit, with properly constructed walls, ceiling and floors, and proper ventilation and lighting must be provided at a servicing depot for cleaning the units.
2. Floors must be properly sloped and drains suitably constructed for receiving waste from the mobile unit.

Section 200. NAC 446.750 is hereby amended to read as follows: (DELETED)

NAC 446.750 Refrigerating or storage areas required to be separate from cleaning areas. (NRS 439.150, 439.200, 446.940) Areas in a servicing depot for refrigerating or storing food, beverages, supplies and equipment must be separated by proper partitions from the area used for cleaning mobile units.

Section 201. NAC 446.755 is hereby amended to read as follows: (DELETED)

NAC 446.755 Hoses and water for washing units. (NRS 439.150, 439.200, 446.940)

1. There must be a sufficient hose for washing a mobile unit at a servicing depot and a facility to hang the hose to prevent its contamination.
2. There must be a sufficient amount of steam or hot water, at a temperature of at least 170°F (77°C), to sanitize properly the mobile unit and equipment which is not sanitized with chemical disinfectants.

Section 202. NAC 446.760 is hereby amended to read as follows: (DELETED)

NAC 446.760 Sinks and drain boards. (NRS 439.150, 439.200, 446.940) A sink with three compartments and integral drain boards that are self-draining, that is constructed of material which will not corrode and is of a sufficient size to accommodate the largest equipment, container or utensil washed therein, and metal racks for drying utensils, containers and equipment must be used at a servicing depot.

Section 203. NAC 446.765 is hereby amended to read as follows: (DELETED)

NAC 446.765 Vacuum breakers. (NRS 439.150, 439.200, 446.940)

1. The supply of water at a servicing depot must be equipped with a vacuum breaker.
2. The hose connection used for flushing the waste tank of the mobile unit must be protected with a vacuum breaker.

Section 204. NAC 446.770 is hereby amended to read as follows: (DELETED)

NAC 446.770 Disposal of liquid waste. (NRS 439.150, 439.200, 446.940) The tank which retains liquid waste must be thoroughly flushed and drained during servicing. All liquid waste must be discharged into a sanitary system for the disposal of sewerage in accordance with the provisions of NAC 446.395 to 446.450, inclusive.

Section 205. NAC 446.775 is hereby amended to read as follows: (DELETED)

NAC 446.775 Posting of daily schedule of units. (NRS 439.150, 439.200, 446.940) A daily schedule of the mobile units which operate from a servicing depot must be posted on the exterior of the depot. The schedule must reflect the specified routes that the units will cover on any particular day.

Section 205 ½. NAC 446.821 is hereby amended to read as follows: (DELETED)

NAC 446.821 Application for and form of permit; plan for analyzing the hazards of critical control points. (NRS 439.150, 439.200, 446.875, 446.940)

1. An applicant for a permit issued pursuant to the provisions of NRS 446.875 must include with his application a description of how the requirements of that section will be met, including a description of a menu for the proposed food establishment. The health authority may require an applicant to include a plan for analyzing the hazards of critical control points. If the food establishment is required to have such a plan, the plan must include:

(a) A categorization of the types of potentially hazardous foods that are specified in the menu, such as soups and sauces, salads and bulk, solid foods, such as meat roasts, and other foods that are specified by the health authority.

(b) A diagram that identifies critical control points for specific foods or categories of food and provides:

(1) The ingredients, materials and equipment used in the preparation of each food or category of food; and

(2) The procedures to ensure that each food or category of food is prepared safely.

(c) A training plan for food handlers and supervisors that addresses issues of safety in the preparation of food.

(d) A statement of standard operating procedures that identifies:

(1) Each critical control point.

(2) Limits for each critical control point.

(3) The method and frequency for monitoring and controlling each critical control point by the employee designated by the person in charge.

(4) The method and frequency for the person in charge to verify routinely that an employee is following standard operating procedures and monitoring critical control points.

(5) Actions to be taken by the person in charge if the limits for each critical control point are not met.

(6) The records required to be maintained by the person in charge to demonstrate that the plan for analyzing the hazards of critical control points is properly operated and managed.

(e) Additional scientific data or other information, as required by the health authority, supporting the determination that the safety of the food served will be ensured.

2. All permits issued by the health authority pursuant to NRS 446.875 must be in writing.

Section 206. NAC 446.823 is hereby amended to read as follows: (DELETED)

NAC 446.823 Knowledge of provisions of chapter. (NRS 439.150, 439.200, 446.940) The health authority may require the holder of a permit issued pursuant to the provisions of NRS 446.875, or his designated agent, to demonstrate a knowledge of the provisions of this chapter by:

1. Passing an examination, which may be written or oral; or

2. Completing a course of instruction that has been approved by the health authority.

Section 207. NAC 446.865 is hereby amended to read as follows: (DELETED)

NAC 446.865 “Vending machine” defined. (NRS 439.200, 446.940)

1. As used in NAC 446.865 to 446.910, inclusive, unless the context otherwise requires, “vending machine” means any device designed for customers who serve themselves and which,

upon the insertion of money or tokens, dispenses unit servings of food, in bulk or in packages, without the necessity of replenishing the device between each vending operation.

2. The term does not include any device which dispenses only nuts, popcorn, ball gum, hard candy, prepackaged candy, cookies, crackers or similar snacks, beverages which are not potentially hazardous food or prepackaged ice.

Section 208. NAC 446.870 is hereby amended to read as follows: (DELETED)

NAC 446.870 Applicable requirements. (NRS 439.150, 439.200, 446.940) The sale of food through a vending machine must comply with the provisions of NAC 446.865 to 446.910, inclusive, and all the requirements of NAC 446.050 to 446.625, inclusive, which apply.

Section 209. NAC 446.875 is hereby amended to read as follows: (DELETED)

NAC 446.875 Milk and nondairy creaming agents. (NRS 439.150, 439.200, 446.940) Milk and fluid milk products and fluid nondairy products or creaming agents may not be dispensed in vending machines as additional ingredients in hot liquid beverages or other foods.

Section 210. NAC 446.880 is hereby amended to read as follows: (DELETED)

NAC 446.880 Potentially hazardous food. (NRS 439.150, 439.200, 446.940)

1. Potentially hazardous food offered for sale through vending machines must be dispensed to the consumer in the individual, original container or package into which it was placed at:

- (a) A food establishment having a permit issued by the health authority; or
- (b) The plant of the manufacturer or processor.

2. Vending machines which dispense potentially hazardous food must be provided with adequate refrigerating or heating units and thermostatic controls which ensure the maintenance of refrigerated foods at a temperature of 40°F (4.44°C) or below and hot foods at a temperature of 140°F (60°C) or above. Such a machine must have automatic controls which, in the event of a power failure, mechanical failure or other condition resulting in unsafe temperatures, prevent it from dispensing potentially hazardous food until it has been serviced by the operator.

3. Potentially hazardous food which fails to conform to the requirements of this section must be removed from the vending machine, rendered unusable for human consumption and properly discarded.

Section 211. NAC 446.885 is hereby amended to read as follows: (DELETED)

NAC 446.885 Containers for storage of food. (NRS 439.150, 439.200, 446.940)

1. Nonpressurized containers used for the storage of food sold through vending machines, including water, must be provided with covers which prevent contamination from reaching the interior of the containers. The covers must have a flange which overlaps the opening and must be sloped to provide drainage from the cover wherever the collection of condensation, moisture or splash is possible. Any opening through the cover must be flanged upward at least three-sixteenths of an inch (5 millimeters) and provided with an overlapping cover flanged downward.

2. Aprons which deflect condensation, drips and dust must be provided on all piping, thermometers, equipment, rotary shafts and other functional parts extending into the container unless a watertight joint is provided.

Section 212. NAC 446.890 is hereby amended to read as follows: (DELETED)

NAC 446.890 Receipt and removal of bulk food. (NRS 439.150, 439.200, 446.940)

1. The delivery tube or chute and orifice of all vending machines used for the sale of bulk food must be protected from normal manual contact, dust, insects, rodents and other contamination. Such machines must be designed to divert condensation or moisture from the normal filling position of the container which receives the food.

2. The vending stage of such machines must be provided with a door which fits tightly, closes automatically and is kept closed except when food is being removed.

Section 213. NAC 446.895 is hereby amended to read as follows: (DELETED)

NAC 446.895 Quality and supply of water. (NRS 439.150, 439.200, 446.940)

1. Water used in vending machines must be potable and from a source which has been approved by the health authority. If used, water filters or other devices used for water conditioning must be of a type which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements must be handled in a sanitary manner.

2. Vending machines directly connected to the water supply must be properly equipped with devices to prevent backflow. These devices must be:

- (a) Approved by the health authority;
- (b) Located to facilitate servicing and maintenance; and
- (c) Inspected and cleaned or replaced annually.

Section 214. NAC 446.900 is hereby amended to read as follows: (DELETED)

NAC 446.900 Construction of machine. (NRS 439.150, 439.200, 446.940)

1. All door and panel openings to the spaces of vending machines used for food and container storage must fit tightly and be sealed with gaskets if necessary to prevent the entrance of dust, moisture, insects and rodents.

2. Ventilation openings of vending machines must be covered with screening material that has 16 mesh to the inch or equivalent.

3. Screening material for openings into the condenser units of vending machines must not be less than 8 mesh to the inch. All condenser units must be separated from the food and container storage space and sealed from that space.

4. All vending machines must be constructed to facilitate cleaning under the machine.

Section 215. NAC 446.905 is hereby amended to read as follows: (DELETED)

NAC 446.905 Materials. (NRS 439.150, 439.200, 446.940)

1. In postmix soft drink vending machines, copper tubing or other potentially toxic tubing used for water systems must not come into contact with carbonated water.

2. In vending machines in which carbon dioxide is used as a propellant, all devices designed to prevent backflow and all food contact surfaces must be of such a material as to preclude the production of toxic substances which may result from interaction with carbon dioxide or carbonated water.

Section 216. NAC 446.910 is hereby amended to read as follows: (DELETED)

NAC 446.910 Receptacles for trash. (NRS 439.150, 439.200, 446.940) Trash receptacles must be provided in the vicinity of each vending machine or group of vending machines, but not within the vending machine. The receptacles must close automatically, must be leak proof, easily

cleaned, insect proof and rodent proof, and must be cleaned daily to prevent the attraction of insects and rodents.

Section 217. NAC 446.960 is hereby amended to read as follows: (DELETED)

NAC 446.960 Food processing establishments: Instruction or training of operator when anaerobic process or result involved. (NRS 439.150, 439.200, 446.940) If a food processing establishment processes any canned food with a low level of acidity or any other food that involves an anaerobic process or result, the operator of the establishment must complete a certified course of instruction or training that has been approved by the health authority.