

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

LCB File No. R177-99

May 24, 2002

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-34, NRS 439.200 and 444.335.

Section 1. Chapter 444 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 33, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 33, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Charter school” has the meaning ascribed to it in NRS 385.007.*

Sec. 4. *“Health authority” has the meaning ascribed to it in NRS 439.005.*

Sec. 5. *“Private school” has the meaning ascribed to it in NRS 394.103.*

Sec. 6. *“Public nuisance” has the meaning ascribed to it in NRS 202.450.*

Sec. 7. *“Public school” has the meaning ascribed to it in NRS 385.007.*

Sec. 8. *“School” means a charter school, private school or public school.*

Sec. 9. *If any provision set forth in sections 2 to 33, inclusive, of this regulation, or any application thereof to any person, thing or circumstance is held invalid, it is intended that the invalidity not affect the remaining provisions or applications to the extent that those provisions and applications can be given effect without the invalid provision or application.*

Sec. 10. *The state board of health hereby adopts by reference:*

1. The guidelines for playground safety set forth in the “Handbook for Public Playground Safety,” as those guidelines existed on the effective date of this regulation. A copy of the publication may be obtained, free of charge, from the United States Consumer Product Safety Commission Office of Information and Public Affairs, Washington D.C. 20207, or from the United States Consumer Product Safety Commission, at the Internet address <<http://www.cpsc.gov/cpsc/pub/pubs/playpubs.html>>.

2. The standards for the construction, installation, maintenance, inspection and testing of a device to prevent backflow or back siphonage that is installed on a water supply system set forth in the Uniform Plumbing Code, 1997 edition. A copy of the standards may be obtained from the International Association of Plumbing and Mechanical Officials, 20001 East Walnut Drive South, Walnut, California 91789-2825, for the price of \$51.60 for members of the International Association of Plumbing and Mechanical Officials, or \$56.80 for nonmembers.

3. The standards for minimum plumbing facilities set forth in the Uniform Plumbing Code, 1997 edition. A copy of the standards may be obtained from the International Association of Plumbing and Mechanical Officials, 20001 East Walnut Drive South, Walnut, California 91789-2825, for the price of \$51.60 for members of the International Association of Plumbing and Mechanical Officials, or \$56.80 for nonmembers.

4. The standards of the American National Standards Institute set forth in Emergency Eye Wash and Shower Equipment, ANSI Z358.1, 1998 edition. A copy of the

standards may be obtained from Global Engineering Documents, Customer Service Department, 15 Inverness Way East, Englewood, Colorado 80112, for the price of \$48.

Sec. 11. A school that is constructed before the effective date of this regulation shall be deemed to be in compliance with sections 2 to 33, inclusive, of this regulation if the use of the space in the school is not changed or any deficiency in the school does not constitute a substantial or an immediate threat to the health or safety of the general public.

Sec. 12. 1. If the superintendent or principal of a school or the designee of the superintendent or the principal determines that a substantial health or safety hazard exists at the school, the superintendent, the principal or the designee of the superintendent or the principal shall notify the health authority of:

(a) The hazard; and

(b) Any remedial action that has been taken to correct the hazard,

within 24 hours after the determination is made.

2. As used in this section:

(a) "Public water system" has the meaning ascribed to it in NRS 445A.235.

(b) "Substantial health or safety hazard" means any violation of the provisions of sections 2 to 33, inclusive, of this regulation that may endanger the health or safety of the general public. The term includes, without limitation:

(1) A loss of electrical power or any other utility in the school that causes the failure of a system which is required for the operation of the school, including, without limitation, a system for lighting, heating or cooling;

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(2) A supply of potable water for the school that has not been approved by the health authority or does not comply with the provisions relating to sampling and notification of the general public set forth in chapter 445A of NRS and the regulations adopted pursuant thereto;

(3) The existence of a defect or condition in the public water system that supplies potable water to the school which may result in the contamination of the water;

(4) Sewage or liquid waste in the school that:

(I) Is disposed of in a manner which has not been approved by the health authority; or

(II) Has contaminated any part of the school to which the general public has access;

(5) The presence of insects, rodents or other vermin in the school that constitutes a significant threat to the health or safety of the general public, as determined by the health authority;

(6) The presence of any toxic material in a school that is labeled, stored or used improperly;

(7) Toxic or noxious gases, vapors, fumes, mist or particulates that are present in the school in concentrations which are immediately dangerous to the life or health of a person present in the school or in concentrations which are sufficient to cause a public nuisance;

(8) Any condition or equipment used in the school that constitutes an unreasonable risk of crushing a person, puncturing or pinching the skin of a person or

otherwise injuring a person by causing the person to fall, trip or sustain any physical injury;

(9) A classroom or any other room in the school that is occupied by pupils or members of the staff of the school and has ambient temperatures which constitute a significant threat to the health or safety of the pupils or members of the staff, as determined by the health authority; or

(10) A school in which toilets and facilities for washing hands are not provided or are not accessible.

Sec. 13. 1. *A person may not begin the construction of a school until the plans and specifications for the school are submitted to and approved by the health authority.*

The plans and specifications must include, without limitation:

(a) The layout, arrangement and construction materials for all rooms and grounds, including, without limitation, classrooms, utility rooms, janitors' closets and playgrounds; and

(b) The location, size and type of:

(1) Equipment that will be used at the school, including fixed equipment; and

(2) Facilities that will be included in the construction, including, without limitation, lavatories and kitchens.

2. *The health authority shall review the plans and return a written decision of approval or denial to the person submitting the plans within 30 days after receipt of the plans. If the decision is to deny the plans, the written decision must include a detailed statement of the reasons for the denial.*

3. *As used in this section, “construction” means any construction of, remodeling of, additions made to, or other substantial alterations made to a school.*

Sec. 14. 1. *The floors, walls and ceilings in a school must be:*

(a) *Constructed of durable materials that are easy to clean and appropriate for their intended use; and*

(b) *Maintained in good repair.*

2. *Benches, mats or any other equipment that is intended for use by more than one person must be:*

(a) *Constructed of nonabsorbent materials; and*

(b) *Clean, sanitary and in good repair.*

Sec. 15. *Artificial sources of light that are permanently fixed in a school must be installed to provide at a distance of 30 inches from the floor:*

1. *An average of 50 foot-candles of light in an area used for general instruction, including, without limitation, a laboratory, a classroom used for teaching home economics and an area used for teaching vocational education;*

2. *An average of 30 foot-candles of light in a gymnasium, locker room or lavatory; and*

3. *At least 20 foot-candles of light in any other area of the school.*

Sec. 16. *The temperature in a classroom that is occupied by pupils or members of the staff of the school, other than an area used for teaching vocational education or for physical activities, including, without limitation, weight lifting, must be maintained at a level which is not less than 65 degrees Fahrenheit and not more than 85 degrees*

Fahrenheit. Every effort must be made to maintain a comfortable temperature after considering the humidity in each room.

Sec. 17. 1. *Pets may be kept only in the designated areas of a school.*

2. An enclosure used for pets must be clean and sanitary to prevent odors and the accumulation of excrement.

3. A pet that is on the premises of a school may be handled by a pupil only under the supervision of an adult. A pupil or member of the staff of the school shall wash his hands after handling a pet.

4. A pet that is not housebroken or trained to use a litter box may not be allowed on the nonabsorbent surfaces in the school.

5. The provisions of this section do not apply to:

(a) A person with a visual, aural or other physical disability who is accompanied by a guide dog, hearing dog, helping dog or other service animal;

(b) A person who is accompanied by an animal described in paragraph (a) if he is training the animal; or

(c) A peace officer who is performing his duties as a peace officer and is accompanied by a police dog.

6. As used in this section:

(a) "Guide dog" has the meaning ascribed to it in NRS 426.075.

(b) "Hearing dog" has the meaning ascribed to it in NRS 426.081.

(c) "Helping dog" has the meaning ascribed to it in NRS 426.083.

(d) "Police dog" has the meaning ascribed to it in NRS 651.075.

(e) "Service animal" has the meaning ascribed to it in NRS 426.097.

Sec. 18. 1. *A station for washing eyes in an emergency, in combination with or in addition to an accessible shower used in an emergency, must be provided in each classroom in which acid, caustic substances, flammable materials or other hazardous materials are handled. The station for washing eyes and the shower for use in an emergency must comply with the requirements set forth in ANSI Z358.1, as adopted by reference in section 10 of this regulation.*

2. Countertops that are resistant to chemicals must be used in each classroom which is used as a chemistry laboratory.

3. A classroom that is used as a science laboratory must have a sink for washing hands which is conveniently located and equipped with:

(a) Hot and cold water that is tempered by a mixing valve or combination faucet;

(b) Hot water that is delivered at a maximum temperature of 110 degrees Fahrenheit;

(c) A supply of soap or detergent for washing hands; and

(d) A supply of disposable towels designed for a single use or a device that provides heated air for drying hands.

4. A classroom in which volatile chemicals are used or two or more chemicals are mixed and the reaction of those chemicals is likely to produce toxic or noxious gases, vapors, fumes or suspended particulates must be equipped with a fume hood. Any activity that produces toxic or noxious gases, vapors, fumes or suspended particulates must be conducted under the fume hood.

5. An aspirator or suction bulb must be used for drawing a liquid into a pipette.

6. Each chemical or biological reagent must be stored according to the instructions of the manufacturer. The area in which a chemical or biological reagent is stored must be:

- (a) Secure and accessible only to authorized members of the staff of the school;*
- (b) Cool and dry;*
- (c) Ventilated and free of objectionable odors; and*
- (d) Clean and organized.*

7. A reagent or other similar material that is stored in its original container must bear a legible label of the manufacturer. If a reagent or other similar material has been repackaged, it must be labeled to identify its contents and manner of use.

8. Eating, drinking or any other activity that involves contact between the hands and mouth of a person is prohibited in a classroom which is used as a science laboratory.

Sec. 19. 1. *Machinery, tools or any other equipment that is used in an area of the school for teaching vocational education may be operated or used by a pupil only under the supervision of an adult.*

2. An area that is used for teaching vocational education must be clean and organized.

3. Machinery, tools, material stock, hardware or any other equipment must be stored in a manner that prevents health and safety hazards.

4. Stationary equipment must be secured in place and arranged to provide for a work area which is of a sufficient size and which is free of hazards which may cause a person to fall, trip, slip or sustain any physical injury.

5. Instructions relating to safety and the operation of machinery, tools or other equipment must be posted conspicuously in the area in which the machinery, tools or other equipment is operated or used.

6. Compressed cylinders of gas must be secured in a manner that prevents the cylinders from tipping or falling.

7. An area used for teaching vocational education must have a sink for washing hands that is conveniently located and equipped with:

- (a) Hot and cold water that is tempered by a mixing valve or combination faucet;*
- (b) Hot water that is delivered at a maximum temperature of 110 degrees Fahrenheit;*
- (c) A supply of soap or detergent for washing hands; and*
- (d) A supply of disposable towels designed for a single use or a device that provides*

heated air for drying hands.

Sec. 20. *1. Any area in a classroom that is used for home economics in which food is prepared or eaten must be maintained in a clean and sanitary condition.*

2. Food must be stored and handled in a manner that prevents the rapid growth of pathogenic organisms, contamination and spoilage and prevents the harborage and feeding of insects and other vermin.

3. A classroom used for home economics must have a sink for washing hands that is conveniently located and equipped with:

- (a) Hot and cold water tempered by a mixing valve or combination faucet;*
- (b) Hot water that is delivered at a maximum temperature of 110 degrees Fahrenheit;*
- (c) A supply of soap or detergent for washing hands; and*

(d) A supply of disposable towels designed for a single use or a device that provides heated air for drying hands.

Sec. 21. 1. *Each school shall provide a health room with beds, couches, mats, cots or other furniture that may be used for resting. The beds, couches, mats, cots and other furniture must be covered with a nonabsorbent material that is maintained in good repair and is cleaned and sanitized before each use.*

2. Any medications that are stored in a health room must be accessible only to authorized members of the staff of the school.

3. As used in this section, “health room” means a room or an area where an ill or injured pupil is temporarily isolated until such time as the pupil is released to the custody of his parent or guardian.

Sec. 22. *Electrical panels, janitors’ closets, boiler rooms, storage rooms, including, without limitation, storage rooms for supplies and equipment, and rooms containing a transformer that are located in a school, must be locked and accessible only to authorized members of the staff of the school.*

Sec. 23. *Playgrounds and playground equipment must be designed, constructed and maintained in the manner prescribed in the guidelines set forth in the “Handbook for Public Playground Safety” as adopted by reference in section 10 of this regulation.*

Sec. 24. *A program used by a school to serve food must comply with:*

1. The provisions of chapter 446 of NRS and the regulations adopted pursuant thereto; and

2. *Any ordinances, rules or regulations governing food establishments adopted by the appropriate district board of health, county board of health or board of county commissioners.*

Sec. 25. 1. *Potable water of a sufficient amount to meet the requirements of a school must be provided to the school from a supplier that is approved by the health authority and licensed by the health division.*

2. *Water that is under pressure and maintained at the required temperature must be provided to all fixtures and equipment of a school which use water. The system that provides hot water to the school must provide a sufficient amount of hot water to meet the requirements of the school during its hours of operation.*

3. *There must not be a cross connection between:*

(a) *The supply of potable water and any water that is nonpotable or may be nonpotable; or*

(b) *The supply of potable water and any source of pollution by which the potable water may become contaminated.*

4. *A system for supplying nonpotable water may be used only for air conditioning, cleaning, flushing toilets and fire protection, if the system is approved by the health authority and does not come into direct or indirect contact with the supply of potable water. The piping of a system for nonpotable water must be clearly and permanently identified so that it is readily distinguishable from piping which carries potable water.*

5. *The system for potable water must be installed to prevent backflow. Devices to prevent backflow and back siphonage must be installed on a fixture or equipment that does not have an air gap which is at least twice the diameter of the inlet for the water*

between the inlet and the flood level rim of the fixture. A hose may not be attached to a faucet unless a device to prevent backflow is installed.

6. A device to prevent backflow or back siphonage that is installed on a system for potable water must comply with the standards for the construction, installation, maintenance, inspection and testing for that specific application and type of device set forth in the Uniform Plumbing Code, as adopted by reference in section 10 of this regulation.

7. The use of lead solder on piping carrying potable water is prohibited.

Sec. 26. *1. All sewage at a school, including liquid waste, must be disposed of in a manner that is approved by the health authority.*

2. Facilities for the disposal of sewage that do not use water, including chemical toilets, are prohibited unless authorized by the health authority for temporary use.

Sec. 27. *1. A minimum number of toilets, lavatories and drinking fountains must be installed in a school as prescribed in the standards for plumbing facilities of the Uniform Plumbing Code, as adopted by reference in section 10 of this regulation.*

2. A toilet and lavatory must be located within 250 feet of each classroom and area used for teaching vocational education and be accessible for use at all times.

3. Toilets must be clean and in good repair. A supply of toilet tissue that is dispensed from a permanently affixed dispenser must be provided at each toilet at all times.

4. Each lavatory must provide hot and cold water that is tempered by a mixing valve or combination faucet. The hot water must be delivered at a maximum temperature of 110 degrees Fahrenheit. A faucet that closes automatically, closes slowly or is metered must provide a flow of water for not less than 20 seconds.

5. A supply of soap or detergent for washing hands must be available in each lavatory.

6. A supply of disposable towels designed for a single use or a device that provides heated air for drying hands must be conveniently located near each lavatory.

7. Lavatories must be clean and in good repair.

Sec. 28. 1. *Each drinking fountain in a school must be clean and in good repair.*

2. Potable drinking water must be provided and dispensed in a sanitary manner in gymnasiums and during outdoor events held at the school.

Sec. 29. *A shower that is provided in a school must have hot and cold water which is tempered by a mixing valve or combination fixture. The hot water must be delivered at a maximum temperature of 110 degrees Fahrenheit. Each shower and shower fixture must be clean and in good repair.*

Sec. 30. 1. *There must be a sufficient number of containers located in a school to hold all garbage and refuse that accumulates in the school. The containers must be conveniently located throughout the school.*

2. Garbage and refuse must be:

(a) Deposited in containers that are closable, durable, nonabsorbent, protected against vermin and clean; and

(b) Stored in a manner that is not accessible to insects and rodents.

3. Storage areas or enclosures which are located outside a school must be clean and of sufficient size to store the containers of garbage and refuse.

4. Containers for garbage and refuse which are located outside a school must be:

(a) Stored on a smooth surface of concrete or asphalt;

(b) Clean and in good repair; and

(c) Maintained in a manner that does not cause a public nuisance.

5. If the health authority or public works department of the appropriate local government requires a school to install an interceptor for grease, the interceptor must be maintained in a manner that does not cause a public nuisance.

6. Garbage and refuse must be removed from the premises of the school at such times as is necessary to prevent the garbage and refuse from developing an odor, causing a public nuisance or attracting insects and rodents, but in any event the garbage and refuse must be disposed of within intervals of 7 days, unless otherwise approved by the health authority.

Sec. 31. *1. Measures must be taken to minimize the presence of rodents, flies, cockroaches or other vermin on the premises of a school, including regular inspections to detect the presence of those vermin. The premises of the school, including the contiguous land or property under the control of the school, must be maintained in a condition that prevents or eliminates the harboring or feeding of insects, rodents and other vermin.*

2. Insecticides, herbicides and rodenticides must be used in accordance with the directions on the label of the container and stored in a manner that is accessible only to authorized members of the staff of the school.

Sec. 32. *1. The health authority shall prepare a written report of the findings of an inspection of a school required by NRS 444.335 while on the premises of the school and provide a copy of the report to the principal of the school or any other person designated by the principal to receive the report at that time.*

2. In addition to the copy of the report provided pursuant to subsection 1, the health authority may provide a copy of the report to:

(a) The board of trustees of the school district in which the school is located, if the school is a public school;

(b) The governing body of the charter school, if the school is a charter school; or

(c) The superintendent of public instruction, if the school is a private school.

3. Any report which is prepared by any other authority which conducts a health or safety inspection of a school must be maintained by the school for the period prescribed by that authority and be available for review by the health authority upon request.

Sec. 33. *1. Any deficiency indicated in a report of an inspection prepared pursuant to section 32 of this regulation must be corrected within 30 days after the inspection unless otherwise indicated in the report.*

2. Except as otherwise provided in subsection 3, the principal of the school which was inspected or his designee shall prepare a written report of corrective action taken or planned and submit that report to the health authority within 30 days after the inspection of the school.

3. The provisions of subsection 2 do not apply if:

(a) Corrective action was taken at the time of the inspection and the health authority indicates in the report of the inspection that the deficiency indicated in the report was corrected; or

(b) The health authority inspects the school again before the period set forth in subsection 2 expires and the health authority indicates in the report of the inspection that the deficiency previously indicated in the report was corrected.

4. If a school is not in compliance with the provisions of sections 2 to 33, inclusive, of this regulation, the health authority may advise the following persons or entities of the noncompliance:

(a) The department of education;

(b) The board of trustees of the school district in which the school is located, if the school is a public school;

(c) The board of trustees of the school district that is the sponsor of the charter school, if the school is a charter school; or

(d) The superintendent of public instruction, if the school is a private school.

Sec. 34. NAC 444.0005 is hereby amended to read as follows:

444.0005 As used in ~~NAC 444.0005 to 444.980, inclusive,~~ *this chapter*, unless the context otherwise requires, “health division” means the health division of the department of human resources.