

LCB File No. R071-03

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

(This proposed regulation was previously adopted as LCB File No. T038-03)

AUTHORITY:

Nevada Revised Statutes (NRS) 439.200 grants the state board of health the authority to adopt, amend and enforce reasonable regulations consistent with law:

1. To prevent and control nuisances.
2. To regulate sanitation and sanitary practices in the interest of the public health.
3. To provide for sanitary protection of water and food supplies.
4. To protect and promote the public health generally.

NRS 439.150 grants the state board of health authority to set reasonable fees for the: Licensing, registering, certifying, inspecting or granting of permits for any facility, establishment or service regulated by the health division.

Section 1. *As used in sections 1 to 22, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 2 to 11 of this regulation have the meanings ascribed to them in those sections.*

Section 2. *“Division” means the health division of the department of human resources.*

Section 3. *“Health authority” has the meaning ascribed to it in NRS 439.005.*

Section 4. *“Nonsewered toilet” has the meaning ascribed to it in Nevada Administrative Code (NAC) 444.7654.*

Section 5. *“Operator” means a person, group, organization, partnership, governing body, association, or other public or private organization legally responsible for the overall operation of a temporary mass gathering.*

Section 6. *“Person” has the meaning ascribed to it in NRS 0.039.*

Section 7. *“Solid waste” has the meaning ascribed to it in NRS 444.490.*

Section 8. *“Staff” means any person who:*

- (a) *Works for or provides services for or on behalf of the operator or a vendor; or*
- (b) *Is a vendor at a temporary mass gathering.*

Section 9. *“Temporary food establishment” has the meaning ascribed to it in NRS 446.067.*

Section 10. *“Temporary mass gathering” means an actual or reasonably anticipated outdoor assembly of 500 or more people, which continues or can reasonably be expected to operate continuously for twenty hours per day for more than three days, at a site for a purpose different from the designed use and usual type of occupancy. A temporary mass gathering does not include an assembly of people at a location with permanent facilities designed for that specific assembly, such as a sports event at a sports stadium, unless the designed occupancy levels are exceeded.*

Section 11. *“Vendor” means the holder of a valid temporary food establishment permit.*

Section 12. *Permit to operate required.*

(a) *Except as otherwise provided in subsection (b) a person may not operate a temporary mass gathering unless he possesses a valid permit issued to him by the health authority.*

(b) The health authority may exempt a parade or similar type of temporary mass gathering from the permit requirement if the operator submits an application as required by section 14 and the health authority determines that the availability of existing public sanitary facilities, drinking water and refuse receptacles are sufficient to protect the public health. A temporary mass gathering may not exceed 30 days.

Section 13. Temporary mass gathering operator required to be present.

(a) The responsibility for assuring that the staff of a temporary mass gathering comply with the provisions of this chapter must be clearly assigned to the person in charge of the temporary mass gathering.

(b) The person in charge must be the holder of the permit for the operation of the temporary mass gathering or a person designated by the holder of the permit. The holder of the permit shall ensure that a person in charge is present at the temporary mass gathering during all hours of operation.

Section 14. Permit application required.

Any person desiring to operate a temporary mass gathering must make written application for a permit on forms provided by the health authority at least 30 days prior to the first day of the temporary mass gathering. The application must include:

- 1. The applicants full name and mailing address;*
- 2. A statement whether the applicant is a natural person, firm or corporation, and, if a partnership, the names of the partners, together with their addresses;*
- 3. The number of people expected to attend the temporary mass gathering;*
- 4. A description of the type of temporary mass gathering proposed to be held;*
- 5. The inclusive dates and times of the proposed temporary mass gathering;*
- 6. The location of the proposed temporary mass gathering and a site plan delineating the area where the proposed temporary mass gathering is to be held including the following:*
 - (a) The location, types and number of restroom facilities;*
 - (b) The location and description of water stations and the source of potable water;*
 - (c) The location and number of temporary food establishments and the types of food proposed to be served;*
 - (d) The locations, number, type and provider of solid waste containers;*
 - (e) The location of the operator's headquarters at the temporary mass gathering;*
- 7. Any other information specifically requested by the health authority as necessary to protect public health;*
- 8. The signature of the applicant.*

Section 15. Inspections.

The health authority may conduct inspections before, during and after a temporary mass gathering to ensure compliance with this chapter.

Section 16. Solid Waste Management.

- 1. The operator shall assure that all solid waste is removed from the temporary mass gathering site within a reasonable time after the end of the temporary mass gathering.*
- 2. If trash accumulation becomes a nuisance as determined by the health authority, the operator shall take effective measures to abate that nuisance.*

Section 17. Food Protection.

- 1. The operator and vendors must comply with 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.

3. The operator must assure that food vendors obtain required food establishment operating permits from the health authority.

Section 18. Safe Drinking Water Supply, Ice; Water Used for Dust Control.

1. The operator shall assure that attendees of a temporary mass gathering provide potable water of sufficient quantity to meet their individual needs.

2. The operator must assure that haulers of potable water obtain required potable water haulers permits from the health authority.

3. Bottled water at a temporary mass gathering which is sold, offered or displayed for sale or served must comply with the provisions of NAC 445A.544 to 445A.590, inclusive and chapter 446 of NAC, where applicable.

4. Ice at a temporary mass gathering, which is sold, offered or displayed for sale or served, must comply with the provisions of chapter 446 of NAC, where applicable.

5. Trucks hauling water of non-potable quality for dust control must have the words "NON-POTABLE WATER, AVOID CONTACT" legibly labeled on both sides and the rear of the water tank for the duration of the temporary mass gathering. Unless otherwise authorized by the health authority, the lettering must be at least 4 inches in height and of a color that contrasts with the color of the water tank. The health authority may authorize lettering smaller than 4 inches in height only if there is insufficient room on the tank for 4 inch lettering.

6. If potable water is used for dust control, the water must come from a source that is licensed by the health division of the department of human resources and the vehicle and tank used for the transport and application of the water must be permitted by the bureau of health protection services of the health division and must be used for no other purpose than to transport and apply potable water.

Section 19. Waste Water Disposal Requirements.

1. All wastewater must be discharged into a public wastewater treatment facility unless no such facility is available.

2. Where public toilet facilities are not available or insufficient in numbers to accommodate the anticipated number of attendees at a temporary mass gathering, the operator must provide nonsewered toilets in accordance with NAC 444.825.

3. Where public hand washing facilities are not available or insufficient in numbers to accommodate the anticipated number of attendees at a temporary mass gathering, the operator must provide at least one portable hand washing facility at each grouping of portable toilets.

4. The operator of a temporary mass gathering must assure that a provider of nonsewered toilets and hand-washing facilities possesses a valid operating permit issued to him by the health authority in accordance with NAC 444.826.

5. The operator of a temporary mass gathering must assure that a provider of services for a septic tank pumping contractor possesses a valid permit issued to him by the health authority in accordance with NAC 444.820 and 444.828.

Section 20. Public Bathing Places, Public Spas and Other Water Attractions.

1. Public bathing places at a temporary mass gathering must comply with the provisions of NAC 444.010 to 444.306, inclusive.

2. *The operator must assure that a provider of public bathing place at a temporary mass gathering possess a valid permit issued to him by the health authority in accordance with NAC 444.258.*

3. *Public spas at a temporary mass gathering must comply with the provisions of NAC 444.310 to 444.546, inclusive.*

4. *The operator must assure that a provider of public spa at a temporary mass gathering possess a valid permit issued to him by the health authority in accordance with NAC 444.520.*

Section 21. Schedule of Fees for Permit for Operating a Temporary Mass Gathering.

The health division shall charge and collect fees for a permit to operate a temporary mass gathering in accordance with the following schedule, except in areas where the laws and regulations governing temporary mass gatherings are administered by local health authorities:

<i>1. Anticipated Attendance at Temporary Mass Gathering</i>	<i>Fee</i>
<i>(a) For a temporary mass gathering with attendance anticipated between 500 to 1,000</i>	<i>\$500.00 per day</i>
<i>(b) For a temporary mass gathering with attendance anticipated between 1,001 to 5,000</i>	<i>\$750.00 per day</i>
<i>(c) For a temporary mass gathering with attendance anticipated between 5,001 to 10,000</i>	<i>\$1,000.00 per day</i>
<i>(d) For a temporary mass gathering with attendance anticipated greater than 10,001</i>	<i>\$1,500.00 per day</i>