

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

LCB File No. R101-07

September 19, 2007

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

AUTHORITY: §§1-3, NRS 439.150, 439.200 and 446.940; §4, NRS 439.150 and 439.200.

A REGULATION relating to public health; increasing certain fees relating to permits, plans and certificates for food establishments; and providing other matters properly relating thereto.

Section 1. NAC 446.830 is hereby amended to read as follows:

446.830 1. The Health Division shall charge and collect fees for annual permits and other services in accordance with the following schedule, except as otherwise provided in NRS 576.128 and except in areas where the laws and regulations governing food establishments are administered by local health authorities:

Main Facilities	Fees
-----------------	------

For a restaurant, establishment for drinking, main kitchen, bar for beer,
snack bar, concession, service bar, portable food unit or buffet

For the first 40 seats ~~[\$155]~~ **\$200**

Plus \$1.50 for each additional seat

For a restaurant which provides food to take out

Main Facilities

Fees

For the first 40 seats	[155] 200
Plus \$1.50 for each additional seat	
For each window of a drive-in or service station	55
For a food establishment that has been exempted pursuant to NRS 446.870	50
For a caterer.....	125
For a food establishment within:	
A bed and breakfast facility.....	[50] 166
A charter school, private school or public school	[50] 150
A correctional facility.....	[50] 166
A child care facility	[25] 166

Supporting Facilities

Fees

For a special kitchen, kitchen for the preparation of banquets, kitchen for a bakery, kitchen for the preparation of meat, pantry for a kitchen, garde-manger for cold meat or buffet having an area of:	
500 square feet or less	\$115
More than 500 square feet	130
Portable bars, annual fee for each	85
Barbecue.....	110

Wholesale or Retail Services for Food

Fees

For a market, a service providing candy, package liquor, health food, dry storage, meat, poultry, seafood, refrigerated storage, storage of produce or bakery sales, a food warehouse or a market for produce which has an area of:

Less than 1,000 square feet	[\$150] \$166
1,000 - 3,000 square feet	210
3,001 - 5,000 square feet	230
More than 5,000 square feet	[300] 332

Wholesale or Retail Processors of Food

Fees

For a plant for bottling, processing plant for food, market for meat, processing plant for game, bakery, plant for ice, delicatessen or processing plant for candy which has an area of:

Less than 1,000 square feet	[\$150] \$166
1,000 - 3,000 square feet	210
3,001 - 5,000 square feet	[230] 249
More than 5,000 square feet	[300] 332
For a temporary food establishment, per unit	[50] 207

For a temporary food establishment which is operated by a religious, charitable or other nonprofit organization if the sale of food from the establishment occurs off the premises of the organization, per unit.....	[25] 50
For a food processing establishment, for each label reviewed.....	[70] 83
For the testing of food products at a food processing establishment	Actual costs

2. As used in this section:

- (a) “Bed and breakfast facility” has the meaning ascribed to it in NAC 446.845.
- (b) “Charter school” has the meaning ascribed to it in NRS 385.007.
- (c) “Child care facility” means an establishment licensed pursuant to chapter 432A of NRS to provide care for 10 or more children.
- (d) “Correctional facility” means any local detention facility, county jail, state prison, reformatory or other correctional center, including, without limitation, any facility for the detention of juvenile offenders, operated by or under the supervision of the State or a subdivision of the State for the custody, care or training of offenders.
- (e) “Private school” has the meaning ascribed to it in NRS 394.103.
- (f) “Public school” has the meaning ascribed to it in NRS 385.007.
- (g) “Religious, charitable or other nonprofit organization” means a corporation for public benefit as defined in NRS 82.021.

Sec. 2. NAC 446.835 is hereby amended to read as follows:

446.835 The Health Division shall charge and collect the following fees for reviewing plans for food establishments, except in areas where the laws and regulations governing food establishments are administered by local health authorities:

For a plan for a new establishment.....~~[\$100]~~ \$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.....~~[\$100]~~ 332

Plus an amount equal to one-half of the fee for an annual permit for the establishment after remodeling.

Sec. 3. NAC 446.840 is hereby amended to read as follows:

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

For an annual permit for each mobile unit for food and drink, self-service mobile unit, including a self-service mobile unit for ice cream and candy, or a servicing depot~~[\$125]~~ \$166

For reviewing plans of a mobile unit, a self-service mobile unit or a servicing depot~~[\$55]~~ 166

For reviewing plans for remodeling a mobile unit, a self-service mobile unit or a servicing depot which has a permit~~[\$35]~~ 166

Sec. 4. NAC 446.844 is hereby amended to read as follows:

446.844 1. A holder of a permit issued pursuant to this chapter or chapter 446 of NRS may apply to the Health Division for a certificate of free sale. The application must be submitted on a form approved by the Health Division and include:

- (a) The full name and post office address of the applicant;
- (b) A statement concerning whether the applicant is a natural person, firm or corporation and, if a partnership, the names of the partners, together with their addresses; and
- (c) The signature of the applicant or applicants.

2. Upon receipt of an application for a certificate of free sale and the fee required pursuant to subsection 4, the Health Division shall determine whether the applicant is in compliance with the provisions of this chapter and chapter 446 of NRS. If the Health Division determines that the applicant is in compliance with the provisions of this chapter and chapter 446 of NRS, the Health Division may issue a certificate of free sale to the applicant.

3. A certificate of free sale issued pursuant to this section is not transferable from person to person or from place to place.

4. The Health Division shall charge and collect ~~[\$20]~~ \$41 for each certificate of free sale.

5. As used in this section, “certificate of free sale” means a certificate issued by the Health Division which verifies compliance with the provisions of this chapter and chapter 446 of NRS.