

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

LCB File No. R104-98

July 17, 1998

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

AUTHORITY: §§ 2-35, NRS 444.335.

Section 1. Chapter 211 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this regulation.

Sec. 2. *“Classification” means the process of individual case evaluation to determine the custody and program needs of the individual inmate.*

Sec. 3. *“Lavatory” means a basin with a faucet and drain that is used for washing the face or hands of a person.*

Sec. 4. *“Unencumbered space” means the space in a room that is not encumbered by furnishings or fixtures. The amount of such space in a room is determined by subtracting the square footage of any furnishings or fixtures, as placed in their ordinary operational position, from the total square footage of the room.*

Sec. 5. *Each dayroom must:*

1. Not including any space for lavatories, showers or toilets:

(a) Contain at least 100 square feet (9.29 square meters) of space; and

(b) Provide a minimum of 35 square feet (3.25 square meters) of unencumbered space per inmate for the maximum number of inmates who use the dayroom at any one time; and

2. *Provide sufficient seating and writing surfaces for inmates.*

Sec. 6. *An area for exercise and recreation for inmates must be provided. The area must allow 15 square feet (1.40 square meters) of unencumbered space per inmate for the maximum number of inmates who use the area at any one time.*

Sec. 7. *Sufficient space must be provided to allow for visiting of inmates. If contact visits are allowed, sufficient space must be provided for such visits.*

Sec. 8. *Sufficient space must be provided for educational and multiple purposes, including, but not limited to, the attendance by inmates of religious services or educational or counseling programs.*

Sec. 9. *If the local correctional institution contains a commissary or canteen, sufficient space must be provided for safe storage of the items served.*

Sec. 10. *A local correctional institution must have the equipment necessary to maintain essential lights, power and communications in the event of an emergency.*

Sec. 11. *1. A local correctional institution must establish written policies and procedures for the prevention of fire to ensure the safety of staff, inmates and visitors. The policies and procedures must include, but are not limited to, provisions which ensure that:*

(a) The institution receives adequate fire protection service;

(b) Inspection and testing of equipment for fire prevention is conducted at least quarterly by the institution;

(c) An annual inspection is conducted by the appropriate local or state fire officials or other qualified persons; and

(d) Equipment for the suppression and detection of fire is available at approved locations throughout the institution.

2. Furnishings, including, but not limited to, mattresses, window coverings, upholstered or cushioned furniture, floor coverings, wastebaskets and decorations, must be evaluated before purchase or use to determine their flammability and toxicity.

3. Flammable, toxic and caustic items must be stored in secure areas that are inaccessible to inmates, and a system must be established and used to account for their distribution. An inmate may not possess any such item unless he is under the close supervision of qualified staff.

Sec. 12. *In a local correctional institution:*

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 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.

Sec. 13. NAC 211.010 is hereby amended to read as follows:

211.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 211.020 to 211.070, inclusive, *and sections 2, 3 and 4 of this regulation* have the meanings ascribed to them in those sections.

Sec. 14. NAC 211.020 is hereby amended to read as follows:

211.020 "Cell" means a room used to confine **[one inmate.]** *not more than two inmates.*

Sec. 15. NAC 211.040 is hereby amended to read as follows:

211.040 "Dormitory" means a room *or an area* used to confine **[two]** *three* or more inmates.

Sec. 16. NAC 211.110 is hereby amended to read as follows:

211.110 If any facility or equipment being used by a local correctional institution on **[June 13, 1980,]** *the effective date of this regulation* does not fully meet the requirements for design

and construction of this chapter, the facility or equipment is exempt from those requirements and may be continued in use if it is in good repair, is capable of being maintained in a sanitary condition and creates no health hazard.

Sec. 17. NAC 211.210 is hereby amended to read as follows:

211.210 1. **[Separate]** *Except as otherwise provided in this subsection*, cells and dormitories must be provided for adult males, adult females, male juveniles and female juveniles. *Juveniles who have been certified as adults may be considered adults for the purposes of classification.*

2. **[Persons]** *Inmates housed* in each separate class of cell or dormitory must not be able to enter another class of cell or dormitory, see into another class or hear sounds made in another class which are of a normal volume.

Sec. 18. NAC 211.215 is hereby amended to read as follows:

211.215 1. A separate unit for confinement of intoxicated **[persons]** *inmates* must be provided in each confinement facility used to confine **[persons]** *inmates* who may be intoxicated.

2. Each separate unit must be equipped with:

(a) A stationary bed;

(b) A drinking fountain;

(c) A toilet of modern type suitable for prison use;

(d) A drain which is installed level with the floor and which has a flushing action similar to a toilet; and

(e) A lavatory with a drain adequate to accommodate the refuse commonly associated with such units.

Sec. 19. NAC 211.220 is hereby amended to read as follows:

211.220 Separate cells must be provided for confinement of mentally disturbed ~~[persons.]~~ *or retarded inmates whose adaptation to the correctional environment is significantly impaired.*

Sec. 20. NAC 211.225 is hereby amended to read as follows:

211.225 Each cell *or sleeping area in which inmates are confined* must:

1. Have at least ~~[60 square feet (5.6 square meters) of floor space;]~~ *35 square feet (3.25 square meters) of unencumbered space;*
2. Have a ceiling which is at least 8 feet (~~[240]~~ *244* centimeters) above the floor;
3. Contain a bed; and
4. Contain ~~[facilities]~~ *an area* for storage of inmates' personal belongings, including clothing and towels.

Sec. 21. NAC 211.230 is hereby amended to read as follows:

211.230 Each dormitory must:

1. Have a ceiling which is at least 8 feet (244 centimeters) above the floor.
2. Have at least ~~[75 square feet (6.97 square meters) of floor]~~ *25 square feet (2.32 square meters) of unencumbered* space per inmate.
3. ~~[Serve not more than 15 inmates at any one time.]~~ *Not serve, at any one time, more inmates than is recommended in the "Standards for Adult Local Detention Facilities," 3rd Edition, published by the American Correctional Association. A copy of the "Standards for Adult Local Detention Facilities" may be obtained from the American Correctional Association,*

Division of Communications and Publications, 4380 Forbes Boulevard, Lanham, Maryland 20706-4322, at a price of \$35, plus \$7.25 for shipping and handling.

4. Contain a bed for each inmate; and
5. Contain [facilities] *an area* for storage of inmates' personal belongings, including clothing and towels.

Sec. 22. NAC 211.235 is hereby amended to read as follows:

211.235 [A]

1. Except as otherwise provided in subsection 2, a medical and dental examining room, which is physically and visually separated from [cells] dayrooms and dormitories, must be provided.

2. A medical and dental examining room may be located at a hospital, clinic or other appropriate facility that is not on the premises of the local correctional institution.

Sec. 23. NAC 211.250 is hereby amended to read as follows:

211.250 Janitors' closets must be provided, and each closet must be equipped with a *mop* sink and cleaning implements. Each sink must be provided with hot and cold water and a mixing valve.

Sec. 24. NAC 211.260 is hereby amended to read as follows:

211.260 [An adequate barber shop and beauty shop, or the services of a barber and cosmetologist, must be provided for inmates. Where] *If* facilities for barbering and cosmetology are available in the institution, the facilities must be operated and maintained in a sanitary manner.

Sec. 25. NAC 211.310 is hereby amended to read as follows:

211.310 1. Lighting must be made available to all areas of the facility used for confinement and must be equal to 20 foot-candles to permit observation, proper cleaning and maintenance.

2. All light fixtures must be kept clean and in good repair.

3. Light fixtures must be protected against the possibility of intentional breakage.

4. Each cell, dayroom and dormitory room must be provided with natural or artificial light of at least [50 foot-candles for reading purposes.] *20 foot-candles at desk level and in areas used for personal grooming.*

Sec. 26. NAC 211.320 is hereby amended to read as follows:

211.320 1. Standard heating equipment, which operates automatically and furnishes adequate heat, must be provided.

2. [If radiators are provided, they must be located in the inspection corridor and be adequately shielded to prevent accidental injury to inmates and others.

3.] The heating system must not constitute a fire or safety hazard.

[4.] 3. Cells, dormitories, dayrooms and other areas of local correctional institutions used to house inmates must be heated so that the temperature of the air inside the institution does not fall below 65 degrees [F.] *Fahrenheit*. These areas must be provided with a ventilating system which is maintained to prevent the inside air temperature from rising above 85 degrees [F.] *Fahrenheit*.

4. Cells, dormitories and dayrooms must be provided with natural or mechanical ventilation which admits fresh air and is sufficient to prevent the accumulation of odors, smoke, dust, harmful gases and other contaminants.

[6. Janitors' closets which are used to store items other than janitorial equipment must be mechanically ventilated.]

Sec. 27. NAC 211.340 is hereby amended to read as follows:

211.340 1. Each inmate who is detained overnight in a local correctional institution must be furnished:

- (a) An approved flame-retardant and water-repellent mattress and pillow;
- (b) [A pillowcase;
- (c)] A sheet or a cloth mattress cover; and
- [(d)] (c) A blanket,

unless in the judgment of the jailer or other person in charge of the institution, an item would constitute a hazard to the *institution or the* inmate because of [his] *the* behavior, mental condition or intoxication [.] *of the inmate*.

2. Mattresses, pillows, blankets, sheets, pillowcases and mattress covers must be kept clean and in good repair. Sheets, pillowcases and mattress covers which are used without sheets must be changed and laundered at least weekly and before being issued to an inmate.

Sec. 28. NAC 211.350 is hereby amended to read as follows:

211.350 1. An inmate who is detained for more than 12 hours must be provided with a clean cloth towel for that period and a clean towel for each [day] *week* he is detained thereafter.

2. An inmate who will be detained for more than 12 hours must be given soap, a toothbrush, toothpaste or powder, a comb and toilet paper when he is admitted.

3. Shaving equipment must be made available to an inmate [upon request.] *at scheduled intervals as determined by the operator of the institution.*

4. The operator of the [facility] *institution* shall meet [special] *the* hygienic needs of [women.] *all inmates.*

5. *Inmates assigned to special work areas must be provided with suitable clothing for their assigned work area. If necessary for the protection of the inmate, the inmate must be provided with suitable protective equipment, including, but not limited to, a face mask, gloves, a protective helmet or eye protection.*

6. *Hygienic items capable of transmitting disease among inmates must not be distributed by the operator of the institution for common use by inmates.*

Sec. 29. NAC 211.440 is hereby amended to read as follows:

211.440 1. The design, maintenance and arrangement of facilities, including surface finishes, must minimize hazards of falls, slipping and tripping.

2. Protection must be provided against all electrical hazards, including shocks and burns.

3. Facilities must be provided for safe and proper storage of drugs, insecticides, flammable liquids, poisons, detergents and other deleterious substances.

4. [At least one fire extinguisher must be placed outside of each access corridor in a convenient location.

5.] All hot water outlets in areas of confinement must have controls to prevent the distribution of water at a scalding temperature.

5. *Questions concerning the use and control of any substance must be resolved by consulting the Material Data Safety Sheet for the substance.*

Sec. 30. NAC 211.520 is hereby amended to read as follows:

211.520 1. Each cell must be provided with a toilet of modern type, suitable for prison use.

2. Each dayroom and dormitory *in areas housing male inmates* must be provided with one toilet for each [eight] 12 inmates or fraction thereof. *Each dayroom and dormitory in areas housing female inmates must be provided with one toilet for each eight inmates or fraction thereof. If a toilet is provided in a cell that has access to a dayroom, the toilet may be counted in determining the number of toilets required for the dayroom.*

3. Urinals may be substituted for one-half of the toilets in facilities used to house male inmates.

4. All toilets and urinals must be kept clean and in good repair. [An adequate supply of toilet tissue must be provided at each toilet.]

5. Inmates must be provided access to a toilet 24 hours per day.

Sec. 31. NAC 211.530 is hereby amended to read as follows:

211.530 1. Each cell must be provided with a lavatory of modern type [.] *that is equipped with hot and cold running water and is* suitable for prison use.

2. Each dayroom and dormitory must be provided with one lavatory for each [eight] 12 inmates or fraction thereof. *If a lavatory is provided in a cell that has access to a dayroom, the lavatory may be counted in determining the number of lavatories required for the dayroom.*

3. All lavatories must be kept clean and in good repair.

4. Inmates must be provided access to a lavatory 24 hours per day.

Sec. 32. NAC 211.540 is hereby amended to read as follows:

211.540 1. One shower must be provided for each 15 inmates or fraction thereof.

2. Each shower must be supplied with hot and cold running water. *The shower must allow the temperature of the water to be controlled, and the temperature of the water must be between 100 degrees Fahrenheit and 120 degrees Fahrenheit to ensure the safety of the inmates and to promote good hygiene.*

3. All showers must be kept clean and in good repair.

4. **[Under]** *Except as otherwise provided in this subsection, under* normal operating conditions, each inmate must be **[permitted]** *provided the opportunity* to take one shower per day. *If the operator of the institution determines that the activities of an inmate do not require that the inmate be provided the opportunity to take one shower per day, the operator may provide the inmate the opportunity to take a shower at a less frequent interval.*

5. An adequate supply of soap and individual towels must be available for showers.

Sec. 33. NAC 211.550 is hereby amended to read as follows:

211.550 All sewage and liquid waste matter must be disposed of into a public system of sewerage, if available. If public sewerage is not available, disposal must be made into a private system of sewage disposal which is designed, constructed and operated in accordance with the requirements of the health authority. If public sewerage becomes available, connections must be made thereto , **[and]** the institution's use of the private system must be discontinued **[.]** *and the private system must be properly abandoned.*

Sec. 34. NAC 211.570 is hereby amended to read as follows:

211.570 1. All garbage and **[rubbish]** *refuse, including refuse to be recycled or returned,* must be removed daily from confinement areas and disposed of **[at least weekly.]** *in durable*

containers which are easily cleaned, which do not leak or absorb liquid and which do not attract or allow the breeding of rodents or other vermin.

2. The area for handling solid waste must be so designed that it may be washed and drained into sanitary sewers.

3. The [treatment] *disposal* of solid waste must not:

- (a) Lead to air or water pollution;
- (b) Attract or allow the breeding of vermin;
- (c) Create a fire hazard;
- (d) Produce objectionable odors; or
- (e) Cause a nuisance.

4. *Containers for garbage or refuse that are located outside the institution must:*

- (a) Be kept closed or covered when storing garbage or refuse;*
- (b) Have lids, doors or covers that fit tightly; and*
- (c) Be emptied at least weekly unless the health authority approves emptying at a different interval.*

Sec. 35. NAC 211.240, 211.330, 211.510 and 211.560 are hereby repealed.

TEXT OF REPEALED SECTIONS

211.240 Exercise, visiting and multiple-purpose areas. The operator of the institution must provide:

1. Adequate space to allow inmates an opportunity to obtain exercise.
2. Adequate space for individual visits.
3. If the institution is designed to house 15 or more persons, separate areas for educational and multiple purposes.

211.330 Fire detection equipment.

1. Devices to detect products of combustion must be placed:
 - (a) In the access corridors to holding areas at a ratio of one device per 20 beds; or
 - (b) In the separate areas and corridors at a ratio of at least one device per area or corridor.
2. The devices must be approved by the appropriate fire marshal.

211.510 Water quality and control.

1. The water supply of a local correctional institution must be of satisfactory sanitary quality, adequate in quantity to meet the demands of the institution including fire fighting, without significant reduction in water pressure.

2. The water system must be under competent operational control and be protected against any backflow of nonpotable water, any back siphonage from any plumbing fixture or any other intrusion of nonpotable water.

3. The source of the water, process of treatment, and system of storage and distribution must be developed and approved in accordance with applicable requirements of the appropriate health authority.

4. Hot and cold water must be provided through a mixing valve which is equipped with a device to prevent backflow.

211.560 Garbage containers.

1. All garbage and rubbish must be kept in leakproof nonabsorbent containers before it is disposed of, and the containers must be kept covered with tight-fitting lids when stored.

2. Containers used in confinement areas must be designed to retard flame.

3. Adequate cleaning facilities must be provided and containers must be kept clean.