

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

LCB File No. R071-03

September 7, 2003

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

AUTHORITY: §§1-12 and 14-21, NRS 439.200; §13, NRS 439.150 and 439.200.

Section 1. Chapter 444 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 21, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 11, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Food establishment” has the meaning ascribed to it in NRS 446.020.*

Sec. 4. *“Operator of a temporary mass gathering” means the person responsible for the operation of a temporary mass gathering. The term includes, but is not limited to, the holder of a permit to operate a temporary mass gathering issued by the health authority.*

Sec. 5. *“Potable water” has the meaning ascribed to it in NAC 444.7664.*

Sec. 6. *“Public bathing or swimming facility” has the meaning ascribed to it in NAC 444.058.*

Sec. 7. *“Public spa” has the meaning ascribed to it in NAC 444.385.*

Sec. 8. *“Solid waste” has the meaning ascribed to it in NRS 444.490.*

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

Sec. 10. *“Temporary mass gathering” means an outdoor assembly of persons with an actual or reasonably anticipated daily attendance of not fewer than 500 persons that operates*

or may reasonably be expected to operate not less than 20 hours a day for more than 3 days and takes place at a location that lacks permanent facilities specifically intended for the type of assembly involved.

Sec. 11. *“Water station” means a facility for dispensing potable water for immediate human consumption. The term includes a drinking fountain.*

Sec. 12. 1. *A person shall not operate a temporary mass gathering unless he first obtains a permit to do so from the health authority.*

2. A person desiring to obtain a permit to operate a temporary mass gathering must apply to the health authority on an application provided by the health authority. The application must include, without limitation:

(a) The full name and mailing address of the applicant.

(b) A statement specifying whether the applicant is a natural person, firm or corporation, and, if the applicant is a partnership, the names and addresses of the partners.

(c) The location of the temporary mass gathering.

(d) A description of the type of temporary mass gathering.

(e) The inclusive dates and hours of operation of the temporary mass gathering.

(f) The number of persons that the applicant anticipates will attend the temporary mass gathering.

3. The application for a permit to operate a temporary mass gathering must be:

(a) Received by the health authority not later than 30 days before the first day of the temporary mass gathering.

(b) Signed by the applicant or a person authorized by the applicant to sign on his behalf.

(c) Accompanied by:

(1) The fee established by the health authority.

(2) A detailed plan of the site of the temporary mass gathering. The plan must identify:

(I) The location, types and number of toilet facilities and facilities for hand washing.

(II) The location and a description of each water station and the source of the water for each station.

(III) The location and identity of each food establishment, including each temporary food establishment, and the type of food to be served at each establishment.

(IV) The location, types and number of containers for the collection or storage of solid waste and the name of the provider of the containers.

(V) The location of the headquarters of the operator.

(VI) The location of each public bathing or swimming facility and public spa.

4. The health authority may require an applicant to provide any additional information that the health authority determines is reasonably necessary to protect the public health.

5. Unless the health authority provides an earlier expiration date, a permit to operate a temporary mass gathering expires at midnight on the 30th day of operation of the gathering. A permit to operate a temporary mass gathering may not be renewed.

6. A permit to operate a temporary mass gathering must be posted in the headquarters of the operator at the site of the gathering.

Sec. 13. *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:*

For a permit to operate a temporary mass gathering with *Fee per day*
an anticipated attendance of:

<i>500 to 1,000 persons</i>	<i>\$500</i>
<i>1,001 to 5,000 persons</i>	<i>750</i>
<i>5,001 to 10,000 persons</i>	<i>1,000</i>
<i>10,001 or more persons</i>	<i>1,500</i>

Sec. 14. *The operator of a temporary mass gathering shall:*

1. Maintain a headquarters at the site of the gathering.

2. Ensure that a natural person designated by the operator is:

(a) Present at the headquarters of the operator at all times that the temporary mass gathering is in operation; and

(b) Authorized to take immediate action to correct or terminate a violation of any provision of sections 2 to 21, inclusive, of this regulation identified to him by the health authority.

Sec. 15. *1. The operator of a temporary mass gathering shall remove all solid waste from the site of the gathering within a reasonable time after the end of the gathering.*

2. If, during the operation of a temporary mass gathering, the health authority determines that an accumulation of solid waste is a nuisance:

(a) The health authority shall notify the operator of the gathering; and

(b) The operator shall, within a reasonable time after being notified, abate the nuisance.

3. As used in this section, “nuisance” has the meaning ascribed to it in NAC 444.594.

Sec. 16. *1. Except as otherwise provided in NRS 446.870, the operator of a temporary mass gathering shall not operate, or allow another person to operate, a food establishment,*

including a temporary food establishment, at the gathering unless the person operating the food establishment:

(a) Possesses a valid permit issued to him by the health authority; and

(b) Complies with the applicable provisions of:

(1) Chapter 446 of NRS; and

(2) The regulations of the State Board of Health, or the local board of health, adopted pursuant to chapter 446 of NRS.

2. For the purposes of this section, a person who sells, offers or displays for sale or serves, at a temporary mass gathering, water, including water dispensed from a water station, or ice intended for ultimate human consumption operates a food establishment or temporary food establishment.

Sec. 17. 1. *The operator of a temporary mass gathering shall ensure that each person who attends the gathering:*

(a) Provides sufficient potable water to meet his individual needs; and

(b) Disposes of his graywater in a manner approved by the health authority or transports it away from the site of the gathering for disposal.

2. The operator of a temporary mass gathering shall not engage, or allow another person to engage, in the bulk transportation of water to the site of the temporary mass gathering for the purpose of consumption or external use unless the person so engaged has first obtained the approval of the health authority pursuant to NAC 445A.6728 to engage in water hauling.

3. As used in this section, “graywater” means untreated wastewater that has not come into contact with toilet waste. The term includes, without limitation, used water from bathtubs,

showers, washbasins, kitchen sinks, dishwashers, machines for washing clothes and laundry tubs.

Sec. 18. 1. *The operator of a temporary mass gathering shall provide toilet facilities as set forth in NAC 444.825 unless the health authority reduces the number of toilet facilities otherwise required pursuant to NAC 444.825 by the number of public toilet facilities available.*

2. The operator of a temporary mass gathering shall provide at least one facility for hand washing at each group of toilet facilities provided by the operator pursuant to subsection 1.

3. An operator of a temporary mass gathering shall not operate, or allow another person to operate, a service to provide nonsewered toilets at the gathering unless the person operating the service has obtained a permit in accordance with NAC 444.820, 444.826 and 444.828.

4. An operator of a temporary mass gathering shall not engage, or allow another person to engage, in the operation of removing and disposing of the solid and liquid contents of nonsewered toilets at the temporary mass gathering unless the person so engaged has obtained a permit as a septic tank pumping contractor in accordance with NAC 444.820, 444.821, 444.822 and 444.828.

5. As used in this section, “nonsewered toilet” has the meaning ascribed to it in NAC 444.7654.

Sec. 19. *The operator of a temporary mass gathering shall not discharge, or allow another person to discharge, water onto the ground to provide dust control at the gathering unless:*

1. If the water used is potable:

(a) The source of the water is licensed by the Health Division and approved by the health authority; and

(b) Each vehicle used to transport the water, and each tank used to discharge the water, is:

(1) Approved by the Bureau of Health Protective Services of the Health Division; and

(2) Used for no other purpose than the transportation or discharge of potable water.

2. If the water used is nonpotable, the tank from which the water is discharged is marked “NONPOTABLE WATER, AVOID CONTACT” on each side and on the rear of the water tank. The lettering used to mark the tank must be legible, of a color that contrasts with the color of the water tank and, unless the health authority otherwise approves, not less than 4 inches in height. The health authority shall not approve lettering that is less than 4 inches in height unless there is insufficient room on the tank for such lettering.

Sec. 20. *1. The operator of a temporary mass gathering shall not operate, or permit another person to operate, a public bathing or swimming facility at the gathering unless the person operating the public bathing or swimming facility:*

(a) Possesses a permit to do so from the health authority; and

(b) Complies with all applicable provisions of:

(1) NRS 444.065 to 444.120, inclusive, and

(2) NAC 444.010 to 444.306, inclusive, or the regulations adopted by the local board of health.

2. The operator of a temporary mass gathering shall not operate, or permit another person to operate, a public spa at the gathering unless the person operating the public spa:

(a) Possesses a permit to do so from the health authority; and

(b) Complies with all applicable provisions of:

(1) NRS 444.065 to 444.120, inclusive, and

(2) NAC 444.310 to 444.546, inclusive, or the regulations adopted by the local board of health.

Sec. 21. *The health authority may conduct any inspection reasonably necessary to enforce any provision of sections 2 to 21, inclusive, of this regulation.*