

**LCB File No. T038-03**

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

**NOTICE OF INTENT TO ACT UPON A REGULATION**

**Notice of Public Hearing for the Adoption  
of Temporary Regulations of the  
Nevada State Health Division**

The Nevada State Board of Health will hold a public hearing at 9:00 a.m. on June 6, 2003 at:

Washoe County District Health Department  
South Auditorium  
1001 East 9<sup>th</sup> Street  
Reno, Nevada 89529-0027

and

Special Children's Clinic  
1161 South Valley View  
Las Vegas, Nevada 89102

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 444 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of the Nevada Revised Statutes (NRS) 233B.060:

1. These proposed amendments and additions are needed to ensure the health and safety of employees and persons attending temporary mass gatherings.
2. The substance of the amendments address Definitions; Operating Permits and Permitting Requirements; Inspections; Solid Waste Management; Food Protection; Safe Drinking Water, Ice and Water Used for Dust Control; Waste Water Disposal; Public Bathing Places, Public Spas and Other Water Attractions; and Permit Fees.
3. Anticipated effects on the businesses which NAC 444 regulates:
  - (a) Businesses
    - Adverse: new permit fee of \$500.00 to \$1,500.00 per day of event.
    - Beneficial: will provide a concise code for the protection of employees and persons attending temporary mass gatherings.
    - Immediate: will provide a concise code for the protection of employees and persons attending temporary mass gatherings.
    - Long-term: will ensure the health and safety of employees and persons attending temporary mass gatherings.

- (b) Public
- No adverse effects on the public.
  - Beneficial: ensure the health and safety of employees and persons attending temporary mass gatherings.
  - Immediate: ensure the health and safety of employees and persons attending temporary mass gatherings.
  - Long-term: ensure the health and safety of employees and persons attending temporary mass gatherings.
4. Estimated cost to the Health Division for enforcement of the proposed regulation: Costs to the agency for printing regulations /inspection forms, travel, housing, per diem and overtime are estimated to be \$500.00 to \$1,500.00 per day of event.
  5. The proposed regulations do not overlap or duplicate any other state, local or federal regulation.
  6. This proposed regulation is not required pursuant to federal law.
  7. There is no federal regulation that regulates this activity.
  8. This proposed regulation establishes a new fee of \$500.00 to \$1,500 per day of event.

Persons wishing to comment upon the proposed action of the Nevada State Health Division, State Board of Health may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form to:

Secretary, State Board of Health  
Nevada State Board of Health  
Capitol Complex  
505 E. King Street, Rm. 201  
Carson City, Nevada 89701-4797

Written submissions must be received by the Secretary, State Board of Health on or before May 31, 2003. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Health Division, State Board of Health may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson city, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at:

Nevada State Health Division  
505 East King Street, Room 201  
Carson City, Nevada

Nevada State Health Division, Bureau of Health Protection Services  
1179 Fairview Drive  
Carson City, Nevada

Nevada State Health Division, Bureau of Health Protection Services  
620 Belrose Street  
Las Vegas, Nevada

and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the Nevada State Health Division, State Board of Health, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

State Library and Archives, 100 Stewart Street, Carson City  
Bureau of Health Protection Services, 1179 Fairview Drive, Carson City  
Bureau of Health Protection Services, 620 Belrose Street, Las Vegas  
Nevada State Health Division, 505 East King Street, Carson City  
Legislative Counsel Bureau, 401 South Carson Street, Carson City, Nevada

### **NEVADA COUNTY PUBLIC LIBRARIES**

Battle Mountain Branch Library (Lander Co.), 525 Broad Street, Battle Mountain  
Carson City Library, 900 North Roop Street, Carson City  
Churchill County Library, 553 S. Maine Street, Fallon  
Clark County Library, 1401 E. Flamingo Road, Las Vegas  
Douglas County Library, 1625 Library Lane, Minden  
Elko County Library, 720 Court Street, Elko  
Eureka Branch Library, 10190 Monroe Street, Eureka  
Goldfield Public Library (Esmeralda Co.), Corner of Crook and Ramsey, Goldfield  
Humboldt County Library, 85 East 5<sup>th</sup> Street, Winnemucca  
Lincoln County Library, 63 Main Street, Pioche  
Lyon County Library, 20 Nevin Way, Yerington  
Mineral County Library, 125 "A" Street, Hawthorne  
Pershing county Library, 125 Central, Lovelock  
Storey County Library, 95 South "R" Street, Virginia City  
Tonopah Public Library (Nye Co.), 171 Central, Tonopah  
Washoe County Library, 301 South Center Street, Reno  
White Pine County Library, 950 Campton Street, Ely

**LCB File No. T038-03**  
**PROPOSED TEMPORARY REGULATION OF THE**  
**STATE BOARD OF HEALTH**

**TEMPORARY REGULATIONS GOVERNING TEMPORARY**  
**MASS GATHERING SANITATION**

**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>