

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

LCB File No. R007-04

February 19, 2004

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

AUTHORITY: §§1-4, NRS 439.150 and 439.200; §§5-7, NRS 439.150, 439.170 and 439.200.

Section 1. Chapter 446 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Food establishment” has the meaning ascribed to it in NRS 446.020.*

Sec. 3. 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 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.*

Sec. 4. NAC 446.010 is hereby amended to read as follows:

446.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 446.0105 to 446.038, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 5. NAC 446.830 is hereby amended to read as follows:

446.830 *1.* The Health Division ~~[of the Department of Human Resources]~~ 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
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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 ~~[\$115]~~ **\$155**

Plus \$1.50 for each additional seat.

For a restaurant which provides food to take out.

Main Facilities

Fees

For the first 40 seats~~115~~ 155

Plus \$1.50 for each additional seat.

For each window of a drive-in or service station~~30~~ 55

For a food establishment that has been exempted pursuant to NRS 446.87050

For a caterer.....~~115~~ 125

For a food establishment within:

A bed and breakfast facility.....50

A charter school, private school or public school50

A correctional facility.....50

A child care facility.....25

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 feet130

Portable bars, annual fee for each85

Barbecue110

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	[\$115] \$150
1,000 - 3,000 square feet	[180] 210
3,001 - 5,000 square feet	230
More than 5,000 square feet	[280] 300

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	[\$115] \$150
1,000 - 3,000 square feet	[180] 210
3,001 - 5,000 square feet	230
More than 5,000 square feet	[280] 300

For a temporary food establishment, per unit 50

For a ~~[food processing establishment for each package submitted for a review of its label]~~ **temporary food establishment which is operated by a religious,** 25

charitable or other nonprofit organization if the sale of food from the establishment occurs off the premises of the organization, per unit.....

For a food processing establishment , for each label reviewed.....~~5~~ 70

For the testing of food products at a food processing establishmentActual 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. 6. NAC 446.840 is hereby amended to read as follows:

446.840 The Health Division ~~[of the Department of Human Resources]~~ 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.....~~[\$100]~~ \$125

For reviewing plans of a mobile unit, a self-service mobile unit, or a servicing depot~~[100]~~ 155

For reviewing plans for remodeling a mobile unit, a self-service mobile unit, or a servicing depot which has a permit~~[60]~~ 135

Sec. 7. NAC 446.850 is hereby amended to read as follows:

446.850 1. A bed and breakfast facility which exceeds the capacity of 10 persons must ~~comply~~ :

(a) **Comply** with the provisions of NAC 446.845 to 446.860, inclusive, and all the requirements of NAC 446.050 to 446.625, inclusive, which are applicable to its operation ~~H~~ ;
and

(b) **Pay the applicable fees pursuant to NAC 446.830.**

2. If, in the opinion of the health authority, an imminent hazard to the public health will not result, a bed and breakfast facility which does not exceed the capacity of 10 persons and which does not fully comply with all the requirements of NAC 446.050 to 446.625, inclusive, may operate if the preparation and service of food are restricted and deviations from full compliance are covered by the provisions of NAC 446.845 to 446.860, inclusive.