

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

**LCB File No. R088-08**

October 21, 2008

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

AUTHORITY: §§1-90, NRS 439.150, 439.200 and 446.940.

A REGULATION relating to health; adopting by reference certain portions of the model food code prepared by the United States Food and Drug Administration; providing for and revising certain procedures to be followed by food establishments; establishing a fee for a request by a food establishment for approval of an alternate method of compliance with regulations and the model food code; and providing other matters properly relating thereto.

**Section 1.** Chapter 446 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 29, inclusive, of this regulation.

**Sec. 2.** *“Alternate method of compliance” means the modification by a food establishment of one or more of the requirements of this chapter or the Food Code.*

**Sec. 3.** *“Critical limit” has the meaning ascribed to it in section 1-201.10 of the Food Code.*

**Sec. 4.** *“Food Code” means the 2005 Food Code adopted by reference in section 9 of this regulation.*

**Sec. 5.** *“Health authority” has the meaning ascribed to it in NRS 446.050.*

**Sec. 6.** *“High risk food establishment” means a food establishment which engages in procedures that create a high risk of producing potentially hazardous food. Such actions include, without limitation, handling raw ingredients, routine contact with food by employees*

*with bare or gloved hands, serving an extensive menu or engaging in the complex preparation of food, including, without limitation, cooking, cooling, holding or reheating of potentially hazardous foods. The term includes, without limitation, full service restaurants, kitchens in hospitals and facilities for skilled nursing, buffets, delicatessens, kitchens used for catering, bakeries, establishments that process food for retail sale, establishments serving a highly susceptible population, and establishments that engage in specialized processes, including, without limitation, smoking or curing food or the use of reduced oxygen packaging for the preservation of food.*

*Sec. 7. “Highly susceptible population” means persons who are more likely than other persons in the general population to contract a foodborne illness, including, without limitation:*

- 1. Persons who have a compromised immune system;*
- 2. Children who are 6 years of age or younger;*
- 3. Persons who are 60 years of age or older; and*
- 4. Persons who obtain food at a facility that provides personal care services, including, without limitation, custodial care, health care, assisted living, child or adult day care or skilled nursing.*

*Sec. 8. “Potable water” means water that has been obtained from a source that is approved by the Bureau of Safe Drinking Water of the Division of Environmental Protection of the State Department of Conservation and Natural Resources, or a district board of health, as defined in NRS 445A.812. Water from a source that is not regulated by the Bureau of Safe Drinking Water or a district board of health may be considered potable if, as determined by the State Board of Health, the water meets the standards of the National Primary Drinking*

*Water Regulations set forth in 40 C.F.R. Part 141 and the water quality standards set forth in NAC 445A.450 to 445A.492, inclusive.*

**Sec. 9. 1.** *The State Board of Health hereby adopts by reference the 2005 Food Code, published by the Food and Drug Administration of the United States Department of Health and Human Services, with the following exceptions:*

*(a) Any reference to the following terms in the Food Code shall be deemed to have the meanings ascribed thereto in this section:*

- (1) “Drinking water” shall be deemed to mean “potable water.”*
- (2) “Food” has the meaning ascribed to it in NRS 446.017.*
- (3) “Food establishment” has the meaning ascribed to it in NRS 446.020.*
- (4) “Food processing plant” shall be deemed to mean “food processing establishment.”*
- (5) “Imminent health hazard” shall be deemed to mean “substantial health hazard.”*
- (6) “Potentially hazardous food (time/temperature control for safety food)” shall be deemed to mean “potentially hazardous food.”*
- (7) “Temporary food establishment” has the meaning ascribed to it in NRS 446.067.*
- (8) “Variance” shall be deemed to mean “alternate method of compliance.”*

*(b) The following portions of the Food Code are deleted:*

- (1) Section 2-402.11;*
- (2) Section 3-202.16;*
- (3) Sub-subparagraph 3-501.16(A)(2)(b);*
- (4) Subparagraph 3-501.17(A)(2);*
- (5) Paragraph 3-501.19(C);*
- (6) Section 6-202.13;*

- (7) *Section 6-202.14;*
- (8) *Section 6-202.110;*
- (9) *Sections 6-301.10 to 6-301.20, inclusive;*
- (10) *Section 6-302.11;*
- (11) *Section 6-401.10;*
- (12) *Section 6-405.10; and*
- (13) *Section 6-501.17.*

*(c) The following chapters are deleted, and any references elsewhere in the Food Code to such chapters are replaced by the applicable provisions of this chapter:*

- (1) Chapter 5, “Water, Plumbing and Waste”; and*
- (2) Chapter 8, “Compliance and Enforcement.”*

*2. A copy of the Food Code is available, free of charge, from the Food and Drug Administration at the Internet address <http://www.cfsan.fda.gov/~dms/foodcode.html/#get05>. The Food Code is also available from the National Technical Information Service of the United States Department of Commerce, by mail at 5285 Port Royal Road, Springfield, Virginia 22161, by telephone at (800) 553-6847, or at the Internet address <http://www.ntis.gov/products/food-code.aspx>, for the price of \$59.*

*3. A draft copy of the Food Code, as amended by this regulation, is available, free of charge, at the Internet address [http://health.nv.gov/index.php?option=com\\_content&task=view&id=661&Itemid=1463](http://health.nv.gov/index.php?option=com_content&task=view&id=661&Itemid=1463).*

**Sec. 10. 1.** *Except as otherwise provided in section 15 of this regulation, all food establishments must comply with the provisions of this chapter and the Food Code.*

*2. The health authority shall take the necessary action to ensure that all food establishments in the jurisdiction of the health authority comply with the provisions of this chapter and the Food Code.*

**Sec. 11.** *A water filter, screen or other device used for water conditioning that is installed on a water line must be designed to allow periodic cleaning and servicing. A water filter, screen or other such device must be replaceable.*

**Sec. 12.** *A food establishment must have at least one service sink or cleaning facility equipped with a curb and a floor drain. The sink or cleaning facility must be conveniently located for cleaning mops or other tools used for wet cleaning and for disposing of water used for mopping and other similar liquid wastes.*

**Sec. 13.** *A food establishment must obtain approval from the administrator or other person in charge of the health authority for an alternate method of compliance before:*

*1. Developing and using an HACCP plan if such a plan is required. Such a plan is required for the processing methods specified in section 3-502.11 of the Food Code and for any other food preservation or processing method for which the health authority requires such a plan.*

*2. Using an advance in technology for compliance, including, without limitation, the use of advanced materials or equipment, or an alternative method of construction or operation of the food establishment.*

**Sec. 14.** *A request for approval of an alternate method of compliance must be submitted in writing to the administrator or other person in charge of the health authority and must be accompanied by:*

*1. The nonrefundable fee required by NAC 446.835;*

2. *A statement of the proposed alternate method of compliance, including, without limitation, citations to the provisions of this chapter and the Food Code that are relevant to the alternate method of compliance;*

3. *A written analysis of how the potential public health hazards and nuisances addressed in the relevant provisions of this chapter and the Food Code will be addressed using the proposed alternate method of compliance; and*

4. *An HACCP plan, if required pursuant to subsection 1 of section 13 of this regulation.*

**Sec. 15. 1.** *The health authority may approve an alternate method of compliance proposed pursuant to section 14 of this regulation if the health authority is satisfied that the alternate method of compliance will adequately protect the public health. Such approval must be in writing and is not transferable.*

2. *A food establishment that is granted approval for an alternate method of compliance pursuant to this section shall comply with the alternate method of compliance and the HACCP plan, if any, as approved.*

3. *The health authority shall not approve an alternate method of compliance if the proposed alternate method of compliance is determined by the health authority to be detrimental to the public health.*

4. *The health authority shall retain all information submitted by the food establishment with its request to use an alternate method of compliance that is approved pursuant to this section.*

5. *The health authority may revoke an approval granted pursuant to this section if it determines a threat to public health exists based on, without limitation:*

*(a) The failure of the applicant to follow the alternate method of compliance as approved;*

*or*

*(b) A finding by the health authority that the technology used, if any, is detrimental to the public health or is no longer practical.*

**Sec. 16.** *An HACCP plan must include, without limitation:*

*1. A list of the types of potentially hazardous foods that are specified on the menu of the food establishment, divided into categories, including, without limitation:*

*(a) Soups and sauces;*

*(b) Salads;*

*(c) Solid foods, such as meat roasts; and*

*(d) Any other food specified by the health authority.*

*2. A diagram that identifies critical control points for each food or category of food, including, without limitation, specific food safety procedures to be followed at each critical control point. The diagram must include, without limitation, for each food or category of food:*

*(a) The ingredients, materials and equipment used in the preparation of that food or category of food; and*

*(b) The formulation or recipe to be used in preparing the food, including specific information as to the methods and procedural control measures that will be used to address food safety and other specific issues of concern.*

*3. A training plan for employees and supervisory staff that addresses food safety and specific issues of concern.*

*4. A statement of standard operating procedures that clearly identifies, without limitation:*

*(a) The employee or staff member designated as the person in charge;*

- (b) Each critical control point identified on the diagram pursuant to subsection 2;*
  - (c) The critical limits for each critical control point;*
  - (d) The method and frequency for monitoring and controlling each critical control point by the employee designated by the person in charge;*
  - (e) The method and frequency for the person in charge to verify that each designated employee is following standard operating procedures and is adequately monitoring and controlling specific critical control points;*
  - (f) Specific actions to be taken by the person in charge if the critical limits for a critical control point are not met; and*
  - (g) The records required to be maintained by the person in charge to demonstrate satisfactory operation of the HACCP plan.*
- 5. Any additional data or other information, as required by the health authority, which demonstrates that the safety of consumers of food at the food establishment is not compromised by the HACCP plan.*

**Sec. 17.** *To qualify for a permit to operate a food establishment pursuant to NRS 446.875, the person who submits an application pursuant to section 18 of this regulation must:*

- 1. Own the food establishment;*
- 2. Be a partner in the ownership of the food establishment; or*
- 3. Be an officer of the corporation that owns the food establishment.*

**Sec. 18.** *1. A food establishment must submit an application for a permit to operate a food establishment pursuant to NRS 446.875 at least 60 days before the date on which the food establishment intends to commence business. The application must be accompanied by the applicable fee required by NAC 446.830.*



2. *In addition to the information required by NRS 446.875, an application for a permit must include, without limitation:*

*(a) The telephone number of the applicant.*

*(b) The name and location of the food establishment, and the mailing address of the food establishment if different from the location.*

*(c) A statement indicating whether the food establishment:*

*(1) Is stationary or a mobile unit;*

*(2) Is temporary or permanent;*

*(3) Prepares, offers for sale or serves potentially hazardous food and, if so, whether such food is prepared:*

*(I) To order, upon a customer's request;*

*(II) In advance, in quantities based on the projected demand by customers, with the food being discarded if it is not sold or served at an approved frequency; or*

*(III) In advance, in quantities based on the projected demand by customers, using time as the method of public health control as specified in section 3-501.19 of the Food Code;*

*(4) Prepares potentially hazardous food in advance, using a preparation method that involves two or more steps which may include, without limitation, cooking, cooling, reheating, freezing, thawing or combining two or more potentially hazardous foods;*

*(5) Prepares food for delivery to and consumption at an off-premises location;*

*(6) Prepares food to be served primarily to a highly susceptible population;*

*(7) Prepares only food that is not potentially hazardous; and*

*(8) Does not prepare, but offers for sale, only prepackaged food that is not potentially hazardous.*

*(d) The name, title, address, telephone number, facsimile number and electronic mail address, if any, of the person responsible for the operation of the food establishment, if different from the applicant, for the purposes of receiving advisory and recall notifications.*

*(e) The name, title, address, telephone number, facsimile number and electronic mail address, if any, of the person who is the immediate supervisor of the person specified in paragraph (d), if any, including, without limitation, any manager for the zone, district or region.*

*(f) A statement signed by the applicant attesting that:*

*(1) The application and accompanying information is accurate and complete;*

*(2) The applicant will comply with the provisions of this chapter and the Food Code;*

*and*

*(3) The applicant and the person in charge will provide the health authority with access to the food establishment, all records and any other information upon request by the health authority.*

*(g) Any plans and specifications for the food establishment if required pursuant to NRS 446.930 and section 19 of this regulation.*

**Sec. 19. 1.** *An applicant for a permit to operate a food establishment pursuant to NRS 446.875 or a holder of a permit must submit to the health authority any plans and specifications required pursuant to NRS 446.930 and any fee required by NAC 446.835 at least 60 days before:*

*(a) Beginning construction of a food establishment, including, without limitation, a food establishment designed to be within a larger structure; or*

*(b) Converting an existing structure into a food establishment.*

*2. An applicant for a permit to operate a food establishment pursuant to NRS 446.875 or a holder of a permit must submit to the health authority any plans and specifications required pursuant to NRS 446.930 and any fee required by NAC 446.835 at least 60 days before:*

*(a) Extensively remodeling a food establishment; or*

*(b) Changing the type of food establishment or food operation,*

*↪ if determined necessary by the health authority to meet the requirements of NRS 446.930 or to ensure compliance with the provisions of this chapter and the Food Code.*

*Sec. 20. In addition to the requirements of NRS 446.930, the plans and specifications submitted pursuant to section 19 of this regulation must include, without limitation:*

*1. A completed application, on a form provided by the Health Division;*

*2. The intended menu of the food establishment;*

*3. The anticipated weekly volume of food that will be stored, prepared and sold or served at the food establishment;*

*4. The proposed layout of the food establishment, including, without limitation, mechanical schematic diagrams, a list of construction materials and the construction schedule for the food establishment;*

*5. Information about all proposed equipment to be installed in the food establishment, including, without limitation, types of equipment, manufacturers, model numbers, dimensions, performance capacities, installation specifications and a diagram indicating the proposed location of all such equipment;*

*6. Evidence that standard operating procedures designed to ensure compliance with the provisions of this chapter and the Food Code have been developed or are being developed; and*

*7. Any other information requested by the health authority for review of the proposed construction, conversion or modification of the food establishment or of the standard operating procedures required by subsection 6.*

**Sec. 21.** *The health authority may issue a permit to the new owner of a food establishment if:*

*1. An application is submitted pursuant to section 18 of this regulation and approved pursuant to NRS 446.875;*

*2. The appropriate fees required by NAC 446.830 are paid; and*

*3. An inspection of the food establishment by the health authority shows compliance with the provisions of this chapter and the Food Code.*

**Sec. 22.** *Upon receipt of a permit pursuant to section 21 of this regulation, the holder of the permit shall:*

*1. Post the permit in a location in the food establishment that is conspicuous to the customers of the food establishment.*

*2. Maintain a copy of the most recent health inspection report and make it readily available for review by the customers of the food establishment.*

*3. Post a notice indicating that the most recent health inspection report is available for review by the customers of the food establishment. Such a notice must:*

*(a) Be posted near the permit that is posted pursuant to paragraph (a).*

*(b) Contain clearly legible letters that are at least one-half inch in height.*

*(c) State that “This establishment is inspected by the (Health Division or local board of health, as appropriate). A copy of the most recent health inspection report may be viewed at*

*this facility upon request or at the office of the (Health Division or local board of health, as appropriate).”*

*(d) List the telephone number and the website of the health authority.*

*4. Comply with an HACCP plan, if any.*

*5. Post a sign containing the health warning regarding birth defects that may be caused by the consumption of alcoholic beverages, if required pursuant to NRS 446.842.*

*6. Except as otherwise specified in NAC 446.275, replace existing facilities and equipment with facilities and equipment that comply with the provisions of this chapter and the Food Code if:*

*(a) The health authority directs the replacement because the existing facilities or equipment constitute a substantial health hazard or nuisance or no longer comply with the criteria upon which the existing facilities or equipment were approved; or*

*(b) The health authority directs the replacement because of a change in ownership of the food establishment.*

*7. Comply with any directives of the health authority regarding the food establishment, including, without limitation, the time in which to take corrective action as specified in health inspection reports, notices, orders, warnings and directives issued in response to community emergencies.*

*8. Accept notices issued to and served upon the food establishment by the health authority.*

**Sec. 23. 1.** *The health authority shall keep confidential any trade secret of a food establishment that is set forth in:*

*(a) An application for a permit submitted pursuant to section 18 of this regulation;*

- (b) Plans and specifications submitted pursuant to section 19 of this regulation; and*
- (c) Inspection report forms completed pursuant to section 26 of this regulation.*

*2. As used this section, “trade secret” has the meaning ascribed to it in NRS 600A.030.*

**Sec. 24.** *1. The holder of a permit to operate a food establishment or the person in charge shall maintain an employee illness log in which all incidents of employee illness must be documented.*

*2. The log must include, without limitation, the date and duration of each illness.*

*3. The log must be:*

*(a) Kept on the premises of the food establishment;*

*(b) Accessible to the person in charge; and*

*(c) Made available for review by the health authority upon request.*

**Sec. 25.** *1. A holder of a permit to operate a food establishment shall immediately discontinue operation of the food establishment and notify the health authority if a substantial health hazard may exist because of an emergency condition, including, without limitation, fire, flood, sewage backup, interruption of electrical or water service, the misuse of poisonous or toxic materials, an apparent outbreak of a foodborne illness, a gross unsanitary occurrence or condition, or any other circumstance that may endanger the public health.*

*2. If the operation of a food establishment is discontinued pursuant to subsection 1, the holder of the permit must obtain approval from the health authority pursuant to subsection 4 of NRS 446.880 before resuming operation of the food establishment.*

**Sec. 26.** *After each inspection of a food establishment conducted pursuant to NRS 446.885 or 446.890, the health authority shall document on an inspection report form, without limitation:*

*1. The date of inspection and information about the food establishment, including, without limitation, the legal name, the street and mailing addresses, the type of establishment and operation, the type of water supply and sewage disposal, the presence of required personnel certificates and the status of the permit;*

*2. Whether the food establishment is in compliance with the provisions of this chapter and the Food Code, including, without limitation, whether the inspector found:*

*(a) Poor employee hygiene;*

*(b) Nonreporting of employee illness;*

*(c) Improper temperatures in hot or cold holding or cooling of food;*

*(d) The potential for contamination of equipment or cross-contamination of a food or food surface;*

*(e) Inadequate cooking; and*

*(f) The use of food from unsafe sources; and*

*3. Specific factual observations of conditions or procedures at the food establishment which deviate from or violate the provisions of this chapter and the Food Code and which require corrective action by the holder of the permit to operate the food establishment.*

**Sec. 27.** *When the health authority completes an inspection report form pursuant to section 26 of this regulation and provides a copy of the inspection report form and any notice to correct violations to the holder of the permit to operate the food establishment or the person in charge pursuant to NRS 446.890 or 446.895, the health authority shall obtain a signed acknowledgment of receipt of a copy of the inspection report form and any notice to correct violations from the holder of the permit or the person in charge.*

*Sec. 28. 1. Except as otherwise provided in subsection 3, a holder of a permit to operate a food establishment shall immediately correct any violations noted in the inspection report form pertaining to a critical item.*

*2. Except as otherwise provided in subsection 3, a holder of a permit shall immediately carry out corrective actions for any provision of the HACCP plan, if any, that is noted in the inspection report form as being out of compliance with its critical limit.*

*3. The health authority may agree to or specify an amount of time for any corrective action required to be completed pursuant to subsections 1 and 2, taking into consideration, without limitation, the nature of the potential hazard involved and the complexity of the corrective action needed. The time allowed for taking corrective action must not exceed 10 days after the inspection.*

*4. As used in this section, "critical item" has the meaning ascribed to it in section 1-201.10 of the Food Code.*

*Sec. 29. 1. Except as otherwise provided in subsection 2, the person in charge must be certified as a food protection manager by a program that is accredited by the American National Standards Institute as meeting the standards established by the Conference for Food Protection, or must have completed other training approved by the health authority. Information about the Food Protection Manager Certification is available from the Conference for Food Protection at the Internet address <http://www.foodprotect.org>. Information about accredited personnel certification programs is available from the American National Standards Institute at the Internet address [http://www.ansi.org/conformity\\_assessment/personnel\\_certification/overview.aspx?menuid=4](http://www.ansi.org/conformity_assessment/personnel_certification/overview.aspx?menuid=4). Information about food safety training programs that are approved by the Health Division is*



*available at the Internet address*

[http://health.nv.gov/index.php?option=com\\_content&task=view&id=475&Itemid=1445](http://health.nv.gov/index.php?option=com_content&task=view&id=475&Itemid=1445).

*2. The health authority may waive the requirements of subsection 1 for certain food establishments that are not high risk food establishments.*

**Sec. 30.** 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,]~~ *446.011 to 446.035*, inclusive, *and sections 2 to 8, inclusive, of this regulation* have the meanings ascribed to them in those sections.

**Sec. 31.** NAC 446.012 is hereby amended to read as follows:

446.012 “Bulk food” means processed or unprocessed food in aggregate containers from which quantities desired by the customer are withdrawn ~~[,]~~, *including, without limitation, a self-service section in a supermarket.*

**Sec. 32.** NAC 446.0125 is hereby amended to read as follows:

446.0125 “Critical control point” ~~[means a point or procedure in a system of receiving, storing, processing, preparing or serving food where nonadherence to procedures may result in an unacceptable health risk to the patrons of a food establishment.]~~ *has the meaning ascribed to it in section 1-201.10 of the Food Code.*

**Sec. 33.** NAC 446.013 is hereby amended to read as follows:

446.013 “Extensively remodeled” means the construction, building, repair or alteration of, or installation of new equipment in, a food establishment which requires a permit from the health authority ~~[,]~~ *or the* local building department . ~~[or as stated in the *Uniform Plumbing Code* or *Uniform Building Code*.]~~

**Sec. 34.** NAC 446.014 is hereby amended to read as follows:

446.014 “Food processing establishment” has the meaning ascribed to it in NRS 446.035

and includes , *without limitation*, any establishment that:

1. Processes:

(a) Vitamins;

(b) Food supplements;

(c) Food additives;

(d) Spices;

(e) Tea;

(f) Coffee;

(g) Salsa;

(h) Jelly or jam;

(i) Condiments; or

(j) Candy; or

2. Cans food or packages food in packaging with a modified atmosphere.

**Sec. 35.** NAC 446.015 is hereby amended to read as follows:

446.015 “Mobile unit” means any vehicle operating from an approved servicing ~~depot,~~ *area*, in which food, beverages, frozen desserts or dairy products and mixes are prepared, processed or converted for human consumption and which is used to sell and dispense food and beverages to customers. The term does not include a push cart or any similar operation.

**Sec. 36.** NAC 446.016 is hereby amended to read as follows:

446.016 “Ornamental attraction of water” means a fountain or similar aesthetic feature filled with water that is used for decorative purposes only . ~~and is found in the dining area of a food establishment.~~

**Sec. 37.** NAC 446.021 is hereby amended to read as follows:

446.021 “Person in charge” ~~[means the person present at a food establishment who is responsible for the operation of the establishment at the time of an inspection.]~~ *has the meaning ascribed to it in section 1-201.10 of the Food Code.*

**Sec. 38.** NAC 446.023 is hereby amended to read as follows:

446.023 ~~[“Plan for analyzing the hazards of critical control points,” commonly known as an] “HACCP plan [,” means a written document created by a food establishment that sets forth the formal procedures for following the principles of the “Hazard Analysis and Critical Control Point System,” developed by the National Advisory Committee on Microbiological Criteria for Foods and available from the United States Department of Agriculture, 1255 22nd Street N.W., Washington, D.C. 20250-3700.]”~~ *has the meaning ascribed to it in section 1-201.10 of the Food Code.*

**Sec. 39.** NAC 446.024 is hereby amended to read as follows:

446.024 “Portable unit for service of food” means a piece of equipment operated within a building and pursuant to a contract with a food establishment or an approved servicing ~~[depot]~~ *area* for the preparation and service of a limited menu that has been approved by the health authority.

**Sec. 40.** NAC 446.025 is hereby amended to read as follows:

446.025 1. “Potentially hazardous food” ~~[means:]~~ *has the meaning ascribed to it in section 1-201.10 of the 1999 Food Code and includes, without limitation:*

(a) Food *which* ~~[that consists, in whole or in part, of milk, products made from milk, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients]~~ *is natural or synthetic and which requires temperature control because it is* in a form capable of supporting :

(1) ~~the~~ *The* rapid and progressive growth of infectious or toxigenic microorganisms ~~is~~;

(2) *The growth and toxin production of Clostridium botulinum; or*

(3) *In uncooked eggs, the growth of Salmonella enteritidis.*

(b) ~~[Cereals, fruits, vegetables and dairy products, such as cooked rice, eggs, other than powdered eggs, baked or boiled potatoes, moist soy protein products, any mixture that includes garlic in oil, melons that have been cut, sliced or otherwise breached, whipped butter, products of margarine that contain butter or raw seed sprouts, that have been declared by the health authority to be potentially hazardous.]~~ *A food made from animal by-products that is raw or heat-treated.*

(c) *A food made from plants that is heat-treated or consists of raw seed sprouts, cut melons, uncooked cut tomatoes, including, without limitation, tomatoes that have been sliced, diced, chopped or pureed, or mixtures of garlic in oil that are not modified in a way that results in mixtures which do not support the rapid and progressive growth of infectious or toxigenic microorganisms.*

2. The term does not include ~~[foods which have a pH level of 4.1 or below or a value of water activity of 0.85 or less.]~~ :

(a) *An air-cooled, hard-boiled egg with the shell intact, or a shell egg that is not hard-boiled but has been treated to destroy all viable salmonella;*

(b) *Any food with a water activity level of 0.85 or less;*

(c) *Any food with a pH level of 4.6 or below when measured at 75°F (24°C);*

(d) *Any food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;*

*(e) Any food for which a report from a laboratory approved by the health authority has been filed with the health authority stating that the rapid and progressive growth of infectious or toxigenic microorganisms cannot occur; and*

*(f) Any food that does not support the growth or toxin formation of pathogenic microorganisms even though the food may contain an infectious or toxigenic microorganism or a chemical or physical contaminant at a level sufficient to cause illness.*

3. ~~[Synthetic ingredients used in pastry or baked products may be excluded from this definition if a report from an approved laboratory stating that the ingredients will not support the rapid and progressive growth of infectious or toxigenic microorganisms is filed with the health authority.]~~ *As used in this section, “water activity level” means the ratio of the water vapor under pressure of the food to the water vapor under pressure of pure water under the same conditions.*

**Sec. 41.** NAC 446.031 is hereby amended to read as follows:

446.031 “Servicing ~~[depot]~~ ~~includes:~~

- ~~—1. An independent or separate facility that has been approved by the health authority;~~
- ~~—2. A mobile unit, if it has been deemed to be large enough by the health authority and meets the requirements of NAC 446.665 to 446.775, inclusive; and~~
- ~~—3. Any other facility that has been issued a permit pursuant to the provisions of NRS 446.875 by the health authority.]~~ *area” means a food establishment that has a permit to operate pursuant to NRS 446.875 and has an agreement with a mobile unit or a portable unit for service of food to allow for the use of the facilities of the food establishment, including, without limitation, facilities for storing and preparing food, disposing of cooking grease and garbage, and cleaning utensils and equipment.*

**Sec. 42.** NAC 446.035 is hereby amended to read as follows:

446.035 “Substantial health hazard” means any violation of the provisions of this chapter *or the Food Code* which ~~[can injure the health of customers.]~~ *has the potential to risk or cause injury to the public health.*

**Sec. 43.** NAC 446.040 is hereby amended to read as follows:

446.040 If any provision of this chapter *or the Food Code*, or any application thereof to any person, thing or circumstance, is held invalid, it is intended that such invalidity not affect the remaining provisions or applications to the extent that they can be given effect.

**Sec. 44.** NAC 446.042 is hereby amended to read as follows:

446.042 1. For a food establishment to be exempted pursuant to the provisions of NRS 446.870, it must:

- (a) Provide restroom facilities for its employees that meet the requirements of NAC 446.445.
- (b) Not serve, sell, give away, display or store potentially hazardous food.
- (c) Store all food to be sold or offered for sale within the establishment.
- (d) Ensure that the display or storage of food meets the requirements of ~~[NAC 446.050 to 446.195, inclusive.]~~ *this chapter and the Food Code.*
- (e) Ensure that food is not consumed on the premises.
- (f) Not offer seating to the public.
- (g) Ensure that the primary business of the establishment is not related to food and that the portion of the establishment that is related to food does not occupy more than 25 percent of the total area of the establishment.

2. The food sold or offered for sale by a food establishment that has been exempted pursuant to the provisions of NRS 446.870 may include:

- (a) Commercially canned or bottled beverages;
- (b) Coffee or coffee beans;
- (c) Prepackaged snacks and candies; and
- (d) Prepackaged food supplements such as spices, teas and herbs.

3. The handling of food, including *, without limitation,* cooking food, opening containers of bulk food and repackaging or processing food of any kind, is not allowed within such an establishment.

4. If a food establishment fails to comply with the requirements of this section, the health authority shall revoke the exemption and close the portion of the establishment that sells food. A food establishment that has had its exempt status revoked must obtain a permit pursuant to the provisions of NRS 446.875 before resuming any operation of a food establishment.

**Sec. 45.** NAC 446.045 is hereby amended to read as follows:

446.045 Substantial health hazards include, but are not limited to, the following circumstances:

1. Food from an unapproved or unknown source, or food which is or may be adulterated, contaminated *, improperly labeled or dated* or otherwise unfit for human consumption, is found in a food establishment.

2. Potentially hazardous food is held longer than ~~[necessary]~~ *for the amount of time specified in chapter 3 of the Food Code* for preparation or service at an ambient temperature which is greater than ~~[40°F (4.44°C)]~~ *41°F (5°C)* or less than ~~[140°F (60°C)]~~ *135°F (57°C)* or under any other condition capable of supporting the rapid growth of bacteria.

3. Potentially hazardous food served to customers or exposed to other contamination is served again.

4. A person infected with a communicable disease that can be transmitted by food is working as a food handler in an establishment.
  5. Persons not practicing strict standards of cleanliness and personal hygiene which may result in the potential transmission of illness through food are employed in an establishment.
  6. Equipment, utensils and working surfaces are not cleaned and sanitized effectively and may contaminate food during preparation, storage or service.
  7. Sewage or liquid waste is not disposed of in an approved and sanitary manner, or the sewage or liquid waste contaminates or may contaminate any food, areas used to store or prepare food, or an area frequented by customers or employees.
  8. Toilets and facilities for washing hands are not provided, properly installed ~~{} or~~ designed ~~{-accessible or convenient-}~~, *or fully operational.*
  9. The supply of potable water is not approved or does not meet the applicable requirements for sampling and public notification set forth in chapter 445A of NRS and any regulations adopted pursuant thereto, and an operator *of a food establishment* does not use items intended for a single use and bottled water from an approved source.
  10. A defect or condition exists in the system supplying potable water which may result in the contamination of the water and become a substantial health hazard.
  11. Insects, rodents or other animals have contaminated food.
  12. Toxic items are labeled, stored or used improperly or inadequately.
- Sec. 46.** NAC 446.050 is hereby amended to read as follows:
- 446.050 1. ~~{All food must be free from spoilage, filth, adulteration, misbranding and contamination and must be safe for human consumption-}~~



- ~~—2.— Food must be protected from contamination and spoilage while it is being handled, packaged, stored, displayed, dispensed and transported.~~
- ~~—3.— Food must be protected from cross-contamination between foods, equipment, utensils or other surfaces which may come into contact with food and from contamination by insects, insecticides, rodents, rodenticides, probe price markers or probe identification markers.~~
- ~~—4.— No food prepared or stored in a private home may be used, stored, served, offered for sale, sold, given away or offered to the public in a food establishment.~~
- ~~—5.— Prepackaged sandwiches made for sale and consumption off the premises must have a label that has been approved by the health authority. The label must include:~~
- ~~—(a) The name of the food establishment;~~
  - ~~—(b) The mailing address of the food establishment, including:
    - ~~—(1) The number of the street or post office box;~~
    - ~~—(2) The city;~~
    - ~~—(3) The state; and~~
    - ~~—(4) The zip code;~~~~
  - ~~—(c) A list of ingredients in descending order of predominance; and~~
  - ~~—(d) The last date of sale shown clearly as the three letters of the month followed by the date.~~
- ~~Frozen sandwiches that have been thawed must also be dated to indicate the last date of sale.~~
- ~~—6.— Food that is prepared and stored in a food establishment for later use must have a label that includes the contents and the date on which the food was prepared.~~
- ~~—7.] Packages of food, including , *without limitation, processed food, dietary supplements* **and** packages of food repackaged from bulk that was prepared in this State, that are for sale in a~~

food establishment must have a label which has been *reviewed and* approved by the health authority. *Any fees required must be paid in full before the label may be used.*

*2. Labels for dietary supplements must include, without limitation:*

*(a) The name and place of business of the manufacturer, packager or distributor; and*

*(b) A panel with factual information about the supplement which must include, without limitation:*

*(1) The name of the supplement;*

*(2) The net quantity of the contents by capsule count;*

*(3) The directions for use, including, without limitation, the recommended quantity of the supplement to be taken each day; and*

*(4) Any other dietary ingredients in descending order of predominance.*

*3. In addition to the labeling requirements set forth in subsection 1, the health authority may request any ingredients in a dietary supplement to be fully defined and explained by the person submitting the label for review, including, without limitation, those listed as “other dietary ingredients.”*

*4. Upon review of the label of a dietary supplement, the health authority shall issue a letter to the person submitting the label for review stating that the label has been reviewed for content only, and that the health authority makes no implied or written warranty or guarantee as to the safety of the supplement.*

*5. As used in this section, “dietary supplement” has the meaning ascribed to it in NRS 360B.430.*

**Sec. 47.** NAC 446.060 is hereby amended to read as follows:

446.060 1. ~~[Bulk food must be labeled by common name if stored in something other than its original container unless the food can be identified.~~

~~—2.— Bulk food sold at retail must be labeled with:~~

~~—(a) The bulk container labeling of the manufacturer or processor in plain view; or~~

~~—(b) A counter card, sign or other appropriate device,~~

~~↪ bearing prominently and conspicuously the common name of the product, a list of ingredients in descending order of predominance and a declaration of any artificial color or flavor or chemical preservative contained in the product.~~

~~—3.— Labels or marking pens must be made available to customers to identify the food they select from a bulk container for purchase.~~

~~—4.] Only containers in the display area that ~~[comply with subsections 1 and 8 of NAC 446.215, NAC 446.230 and subsection 1 of NAC 446.235 may be filled with bulk food.]~~ *are made from safe materials, including, without limitation, materials that are resistant to corrosion, nonabsorbent, smooth, easy to clean and durable under conditions of normal use, must be used to store or display bulk food.*~~

*2. Bulk food sold in retail stores must be dispensed only from containers which are not more than 18 inches (45 centimeters) deep and which are protected by individual covers which fit tightly.*

*3. Containers of bulk pet food and bulk nonfood items sold in retail stores must be separated from food items by a physical barrier or by an open space of not less than 12 inches (30 centimeters).*

**Sec. 48.** NAC 446.115 is hereby amended to read as follows:

446.115 1. ~~{There must be adequate facilities for refrigeration at a food establishment, which are conveniently located, to ensure that potentially hazardous food can be stored at the required temperature.~~

~~—2.— Each refrigerated facility used to store potentially hazardous food must have at least one integral or permanently affixed indicating thermometer which is numerically scaled or a recording thermometer, accurate to plus or minus 2°F (1°C), located in the warmest part of the facility where it can be easily read.~~

~~—3.— Potentially hazardous food which requires refrigeration after its preparation must be rapidly cooled to an internal temperature of 40°F (4.44°C) or below and then stored at or below that temperature.~~

~~—4.— Large quantities of potentially hazardous food must be rapidly cooled utilizing such methods as shallow pans, dividing the food into smaller or thinner portions, agitation, quick chilling, adding ice as an ingredient or the circulation of water external to the container of food so that the period of cooling from 140°F (60°C) to 70°F (21°C) does not exceed 2 hours and from 70°F (21°C) to 40°F (4.44°C) does not exceed 4 hours.~~

~~—5.— Frozen food must be kept frozen and stored at a temperature of 0°F (-18°C) or below.~~

~~—6.— Ice may not be used as a food product after it has been used to cool the exterior of cooling coils, tubes of equipment or food, including packaged foods.~~

~~—7.]~~ In food establishments where meats that are not inspected, ~~[such as]~~ *including, without limitation*, wild game, are processed to the order of customers, a minimum space of 5 feet (1.52 meters) or a physical barrier must be maintained in all refrigerated storage areas between meats which have been inspected and the meats that are not inspected. Any meat that is not inspected

must be marked “Not for Sale” on a tag that is attached to the meat. The tag must also indicate the owner’s name in clear and legible writing.

*2. Meats that are not inspected, including, without limitation, wild game, must be processed in such a manner as to ensure that cross-contamination of food or surfaces which may come in contact with food does not occur.*

**Sec. 49.** NAC 446.125 is hereby amended to read as follows:

446.125 ~~[1.—Food must be prepared at a food establishment with the least possible manual contact, using gloves designed for a single use or suitable utensils on surfaces that have been cleaned, rinsed and sanitized to prevent contamination before being used.~~

~~—2.—Surfaces which may come into contact with food and utensils in a food establishment must be cleaned and sanitized whenever there is a change in processing between species such as raw beef, raw pork, raw poultry or raw seafood, or a change in processing from raw foods to foods that are ready to eat. Salads and other foods that are ready to eat must be prepared in separate rooms or in areas that are separated from areas used for processing potentially hazardous raw food products by a barrier, an open space of at least 12 inches (30 centimeters) or in another manner approved by the health authority.~~

~~—3.]~~ Potentially hazardous foods that are in a form to be consumed without further cooking, such as salads, sandwiches and filled pastry products, must be prepared from chilled ingredients

~~—4.—Meats that are not inspected, such as wild game, must be processed in such a manner as to ensure that cross-contamination of food or surfaces which may come into contact with food does not occur. The processing of meats that are not inspected must be conducted in areas or at~~

~~times that have been approved by the health authority.] or must be cooled in accordance with the provisions of this chapter and the Food Code.~~

**Sec. 50.** NAC 446.160 is hereby amended to read as follows:

446.160 1. Milk and products made from milk for drinking must be served in an unopened package which was commercially filled ~~[and does not exceed 1 pint (473 milliliters) in capacity,]~~ or must be drawn from a container which was commercially filled and stored in a dispenser which is mechanically refrigerated. If a dispenser for milk and products made from milk is not available, ~~[and portions of less than 1/2 pint (236 milliliters) are required for mixed drinks, cereal or desserts,]~~ milk and products made from milk may be poured from a container which was commercially filled. ~~[and not larger than 1/2 gallon (1,893 milliliters) in capacity.]~~

2. Cream, half-and-half and nondairy creamers must be served in a container intended for a single use ~~[.]~~ or a protected pitcher that pours, or drawn from a refrigerated dispenser designed for such service.

*3. Milk, fluid milk products, fluid nondairy products and creaming agents may not be dispensed in vending machines as additional ingredients in hot liquid beverages or other foods.*

**Sec. 51.** NAC 446.165 is hereby amended to read as follows:

446.165 1. Fruit or vegetables displayed or offered for sale must be at least 18 inches (45 centimeters) above the floor.

2. If a melon is cut, sliced or otherwise breached, it must be protected properly and:

(a) Stored at a temperature of ~~[40°F (4.44°C)]~~ **41°F (5°C)** or below; or

(b) Disposed of properly within 4 hours after the time it was cut, sliced or otherwise breached.

3. Fruit or vegetables must not be stored under anaerobic conditions where the temperature may exceed ~~[40°F (4.44°C)]~~ **41°F (5°C)**.

**Sec. 52.** NAC 446.175 is hereby amended to read as follows:

446.175 1. Ice for customers must be dispensed only by employees using scoops, tongs or other utensils that have been approved by the health authority or by automatic equipment. Ice offered for sale must be packaged and labeled properly.

2. Utensils used for dispensing ice must be stored on a clean surface and in a manner that has been approved by the health authority or in the ice with the handles of the utensils extended out of the ice. Receptacles used to transfer ice must be stored so that they are protected from contamination when not in use.

3. Bins used for the storage of ice must be drained through an air gap.

4. Ice that has been packaged for sale at the establishment must be prepared in accordance with the provisions of ~~[NAC 446.050 to 446.210, inclusive.]~~ **this chapter and the Food Code**.

5. ~~[Only those items necessary for dispensing, packaging or transporting ice may be stored on top of an ice machine.]~~ **Ice for use as a food or cooling medium must be made from potable water.**

**Sec. 53.** NAC 446.185 is hereby amended to read as follows:

446.185 ~~[1.—Except as otherwise provided in subsection 4, soiled tableware, including tableware intended for a single use, which has been used by]~~ **If** customers ~~[who are serving]~~ **may serve** themselves and ~~[returning]~~ **return** to the serving areas for additional food, ~~[may not be used again.]~~

~~—2.—~~ ~~A] a~~ sign must be posted to notify *the* customers to use a clean plate each time they serve themselves. The sign must also state that no ~~[smoking or]~~ eating is allowed while serving food and that customers must use only the utensils provided for handling food.

~~[3.— Tableware may be preset if:~~

~~—(a) It is wrapped to protect it from contamination or is preset no sooner than one meal period before it is used; and~~

~~—(b) Extra settings of preset tableware are removed from the table when the customers are seated.~~

~~—4.— Cups and glasses are exempt from the requirements of this section.]~~

**Sec. 54.** NAC 446.225 is hereby amended to read as follows:

446.225 1. All shelves located in refrigerators and freezers must be made of metal or plastic with surfaces which can be easily cleaned and must be completely portable or, for a walk-in refrigerator or freezer, have wheels attached. These shelves may not be covered with ~~[aluminum foil, metal sheets or]~~ any ~~[other]~~ material that prevents the circulation of air within a refrigerator or freezer.

2. Shelves located in areas for dry storage may be made of wood which has been rendered nonabsorbent by a paint or sealant that:

- (a) Is of a light color;
- (b) Can be cleaned repeatedly; and
- (c) Has been approved by the health authority.

3. Shelves that are located in an area where food is prepared or an area where utensils are washed must be made of metal or plastic and have surfaces that can be cleaned easily and are resistant to corrosion.



*4. Shelves that are constructed of pressure-treated wood products which are impregnated or otherwise treated with chemicals to inhibit rot or insect infestation are prohibited for use.*

*5. Shelves that have a surface which may come into contact with food may not be covered or lined with cardboard, aluminum foil or contact paper.*

**Sec. 55.** NAC 446.275 is hereby amended to read as follows:

446.275 1. Equipment that was installed in a food establishment before ~~[October 14, 1988,]~~ *January 1, 1997*, and does not meet all of the requirements of ~~[NAC 446.230 to 446.275, inclusive,]~~ *this chapter and the Food Code*, may be acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition and the surfaces which may come into contact with food are not toxic.

2. All new and replacement equipment installed ~~[after August 12, 1992, and before May 23, 1996, must:~~

~~—(a) Comply with all applicable standards of the NSF International in effect as of January 31, 1988; or~~

~~—(b) In the absence of any applicable standard,]~~ *on or after January 1, 1997, must be certified or classified by a sanitation program accredited by the American National Standards Institute.*

*Any equipment for which sanitation standards do not exist must* be approved by the health authority.

3. ~~[All new and replacement equipment installed after May 23, 1996, must:~~

~~—(a) Comply with all applicable standards of the NSF International in effect as of May 23, 1996; or~~

~~—(b) In the absence of any applicable standard, be approved by the health authority.]~~ *If a sink with two compartments is used for continuous warewashing, a sink with three compartments*

*may be required by the health authority, and must be required if the food establishment undergoes remodeling or changes ownership. The installation of a sink with three compartments must comply with the provisions of this chapter and the Food Code.*

4. ~~[A copy of the standards of the NSF International may be purchased from the NSF International, P.O. Box 130140, Ann Arbor, Michigan 48113-0140, at the following prices:~~

<del>No. 1. Soda Fountain and Luncheonette Equipment.....</del>	<del>\$35</del>
<del>No. 2. Food Service Equipment .....</del>	<del>40</del>
<del>No. 3. Commercial Spray Type Dishwashing Machines.....</del>	<del>40</del>
<del>No. 4. Commercial Cooking, Rethermalization and Powered Hot Food Holding and Transport Equipment .....</del>	<del>40</del>
<del>No. 5. Water Heaters, Hot Water, Supply Boiler and Heat Recovery Equipment.....</del>	<del>40</del>
<del>No. 6. Dispensing Freezers .....</del>	<del>35</del>
<del>No. 7. Food Service Refrigerators and Storage Freezers .....</del>	<del>25</del>
<del>No. 8. Commercial Powdered Food Preparation Equipment .....</del>	<del>35</del>
<del>No. 12. Automatic Ice Making Equipment .....</del>	<del>30</del>
<del>No. 18. Manual Food and Beverage Dispensing Equipment .....</del>	<del>30</del>
<del>No. 20. Commercial Bulk Milk Dispensing Equipment .....</del>	<del>25</del>
<del>No. 25. Vending Machines.....</del>	<del>25</del>
<del>No. 26. Pot, Pan and Utensil Washers.....</del>	<del>30</del>
<del>No. 29. Detergent Chemical Feeders for Commercial Spray Type Dishwashing Machines.....</del>	<del>25</del>
<del>No. 35. Laminated Plastics for Surfacing Food Service Equipment.....</del>	<del>25</del>

<del>No. 36. Dinnerware .....</del>	<del>25</del>
<del>No. 37. Air Curtains for Entrances in Food and Food Service Establishments .....</del>	<del>40</del>
<del>No. 51. Plastic Materials and Components Used in Food Equipment .....</del>	<del>40</del>
<del>No. 52. Supplemental Flooring .....</del>	<del>25</del>
<del>No. 59. Food Carts .....</del>	<del>35</del>

*On and after the effective date of this regulation, all food establishments seeking a permit to operate that intend to conduct manual warewashing must install a sink with three compartments pursuant to section 4-301.12 of the Food Code.*

**Sec. 56.** NAC 446.318 is hereby amended to read as follows:

446.318 *1.* The holder of a permit ~~[for the operation of]~~ *to operate* a food establishment shall ensure that ~~[the]~~ *any* reservoir ~~[that]~~ *which* is used to supply water to a *watering device, including, without limitation, a* fogger for produce, is maintained and cleaned according to the ~~[manufacturer's]~~ specifications ~~[or]~~ *of the manufacturer.*

*2. If the manufacturer's specifications are not available, the holder of the permit shall ensure that,* at least once a ~~[week according to all the following specifications:~~

~~—1.]~~ *month:*

(a) The *water in the reservoir is drained and any* parts that contact water or aerosol, or both, ~~[must be]~~ *are* completely disassembled. ~~[and drained.~~

~~—2.]~~ (b) The reservoir ~~[.]~~ *system, including, without limitation, the* aerosol tubing and discharge nozzles ~~[must be]~~, *is* cleaned with a brush and a *detergent* solution. ~~[of hot water and detergent.~~

~~—3.]~~ (c) The ~~[complete]~~ *reservoir* system ~~[must be]~~ *is* flushed with water to remove the *detergent* solution ~~[of hot water and detergent]~~ and any accumulation of ~~[particles.~~

~~—4.]~~ *particulate matter.*

(d) The reservoir ~~[, aerosol tubing and discharge nozzles must be]~~ *system is* rinsed by immersing ~~[those]~~ *any* parts in, or spraying or swabbing those parts with, a solution containing at least 50 parts per million (ppm) of hypochlorite.

*3. Each food establishment shall maintain a log of the cleaning procedures performed pursuant to this section.*

**Sec. 57.** NAC 446.395 is hereby amended to read as follows:

446.395 1. Potable water of a sufficient amount to meet the demands of a food establishment must be provided ~~[from a source that is]~~ *and must be* approved by the health authority . ~~[and licensed by the Health Division.]~~

2. ~~[A food establishment that was issued a permit pursuant to the provisions of NRS 446.875 before September 16, 1992, may provide water which is not piped directly if all potable water which is not piped directly to the food establishment from the source is transported in a system for the transportation of water in bulk and is delivered to a water system which is closed. Both of these systems must be constructed, licensed, operated and approved by the Health Division.]~~ *Potable water under pressure must be provided to all fixtures, food equipment and nonfood equipment that require water.*

**Sec. 58.** NAC 446.420 is hereby amended to read as follows:

446.420 All plumbing *in a food establishment, including, without limitation, plumbing for a sewage disposal system,* must be:

1. Properly sized, installed and maintained by the owner of ~~an~~ *the* establishment ~~is~~ *in accordance with applicable state or local law. In the absence of applicable law, the plumbing must be sized, installed and maintained by the owner in accordance with the Uniform Plumbing Code, 1997 edition, published by the International Association of Plumbing and Mechanical Officials, which is hereby adopted by reference. A copy of this publication is available from the International Association of Plumbing and Mechanical Officials, by mail at 5001 East Philadelphia Street, Ontario, California 91761-2816, or at the Internet address [http://www.iapmostore.org/iapmo/shop/index.php?cPath=1\\_42](http://www.iapmostore.org/iapmo/shop/index.php?cPath=1_42), for the price of \$38.*

2. Composed of nontoxic materials . ~~is and~~

3. Approved by the health authority.

**Sec. 59.** NAC 446.425 is hereby amended to read as follows:

446.425 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, as adopted by reference in NAC 446.420*, 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.]~~ *A device or assembly designed to prevent backflow must be located so that it may be inspected, tested, serviced and maintained.*

5. The use of lead solder on lines carrying potable water is prohibited.

6. *Any device installed pursuant to this section, including, without limitation, a device for the treatment of water or a device or assembly designed to prevent backflow, must be inspected and serviced in accordance with the manufacturer's instructions and as necessary to prevent the failure of the device based on local water conditions. The holder of a permit to operate a food establishment or the person in charge shall maintain records of the inspection and servicing of any such device.*

**Sec. 60.** NAC 446.430 is hereby amended to read as follows:

446.430 ~~[Interceptors for grease must be installed at any food establishment which generates grease that may enter a sewer system and where deemed necessary by the health authority or public works department of the appropriate local government. An interceptor must be located so that it is easy to clean. A trap for grease must not be used.]~~

- 1. An interceptor or trap for grease must be installed at any food establishment:
  - (a) Which generates grease that enters a sewer system; and*
  - (b) Where deemed necessary by the health authority or the sewer utility serving the food establishment.**
- 2. A food establishment that installs an interceptor or trap for grease pursuant to subsection 1 shall install an interceptor rather than a trap unless installation of an interceptor is infeasible because of the location of the facility or other mitigating circumstance.*
- 3. An interceptor or trap for grease that is installed in a food establishment must be easily accessible for cleaning and must not present a risk of contaminating food, equipment, utensils or areas used for preparing food, including, without limitation, contamination during the servicing, cleaning and pumping of the interceptor or trap.*

**Sec. 61.** NAC 446.435 is hereby amended to read as follows:

- 446.435 1. ~~{There}~~ *Except as provided in subsection 2, there* may be no direct connection between the sewerage and any drains originating from equipment in which food, ice, portable equipment or utensils are placed.
2. If a dishwashing machine is located within 5 feet (1.52 meters) of a floor drain with a trap, the waste outlet for the dishwasher may be connected directly to the drain on the side containing the inlet if the trap is properly vented.
  3. A walk-in refrigerator must have a floor which is graded so that it drains to the outside through a waste pipe, doorway or other opening. The health authority may authorize a floor drain with an approved device to prevent backflow in a walk-in refrigerator if the slope of the floor is extreme.

4. Every drain, overflow or relief vent from the water supply system must have an indirect connection to the waste system. Drain lines from equipment must not discharge wastewater in a manner that floods any floor or causes water to flow across any work area or area which is difficult to clean.

5. A floor drain must be provided in any area where meat, fish or poultry is processed.

**Sec. 62.** NAC 446.445 is hereby amended to read as follows:

446.445 1. If a food establishment is the only occupant of a building, the establishment must have toilets which are conveniently located within the building. Except as otherwise provided in subsection 8, if a food establishment occupies part of a building, the establishment must have toilets which are conveniently located within the part which it occupies. The toilets must be accessible to the employees of the establishment at all times.

2. ~~[A]~~ *Except as otherwise provided in subsection 3, a* food establishment that provides public seating or where the consumption of food is authorized must have separate rooms with toilets for males and females. As used in this subsection, “public seating” includes seats, benches, stools and similar furniture provided by the owner or operator of a building, mall or similar operation for use by the food establishment and located within 25 feet of the establishment.

3. *The health authority may authorize a food establishment to install one toilet room for use by males and females if:*

*(a) The site, architectural or historic preservation restrictions make the installation of two toilet rooms in the food establishment infeasible;*

*(b) The health authority determines that no risk to public health will be created; and*

*(c) The total public seating of the food establishment does not exceed 15 seats.*



4. Toilets and urinals must be easy to clean. Trough-type urinals are prohibited.

~~[4.—Rooms]~~

5. *Except as otherwise provided in this subsection, rooms* with toilets must be completely enclosed and have solid doors which must fit tightly, close automatically and remain closed except during cleaning or maintenance. Doors from rooms with toilets must not open directly into any area used for the preparation of food or for the washing or cleaning of equipment, utensils or tableware.

~~[5.] *The provisions of this subsection do not apply if a room with a toilet is not located immediately adjacent to a dining room area, or in an area used for preparing food or washing equipment, utensils or tableware.*~~

6. Fixtures must be kept clean and in good repair. A supply of toilet tissue must be provided at each toilet at all times. Receptacles which are easy to clean must be provided for waste.

~~[6.—Rooms with toilets must have at least one covered receptacle for waste that is in close proximity to the toilet.]~~

7. Exhaust fans and restroom facilities for persons with a disability must be installed in all new facilities and in existing facilities if the food establishment is extensively remodeled.

8. Food establishments are not required to supply toilets within the facility if:

(a) Food is sold only for consumption off the premises of the seller and at least 50 percent of the food sold is prepackaged;

(b) No preparation or manufacturing of food occurs on the premises;

(c) The food establishment is located in a covered mall, casino, airport or similar location where toilet facilities are located conveniently to the establishment and where indoor access exists;

(d) A sink for washing hands is conveniently located as required by NAC 446.450; and

(e) The lease agreement of the food establishment provides that the lessor will at all times provide clean and appropriately stocked and maintained toilet facilities for employees of the food establishment.

**Sec. 63.** NAC 446.450 is hereby amended to read as follows:

446.450 1. Sinks for washing hands must be located to permit convenient use by all employees in areas used to prepare food and wash utensils. All new establishments and establishments which are extensively remodeled must also have sinks for washing hands located within the area used for the preparation of food.

2. Sinks for washing hands must be accessible to employees at all times and may not be used for purposes other than washing hands.

3. Sinks for washing hands must be located in or immediately adjacent to rooms with toilets or vestibules. Sinks used for preparing food or for washing equipment or utensils may not be used for washing hands.

4. Each sink for washing hands must have hot and cold water tempered by a mixing valve or combination faucet. *The hot water must be maintained at a temperature of at least 100°F (38°C).*

5. Any faucet which closes automatically, closes slowly or is metered must provide a flow of water for at least ~~20~~ 15 seconds ~~[-]~~ *without the need to reactivate the faucet.* Valves which mix steam are prohibited.

~~[-]~~ 6. A supply of soap or detergent for cleaning hands must be available at each sink for washing hands.

~~[6.]~~ 7. A supply of ~~[sanitary]~~ *disposable* towels or a device providing heated air for drying hands must be conveniently located near each sink for washing hands. Shared towels are prohibited. If disposable towels are used, *trash* receptacles which can be easily cleaned must be conveniently located near the sink for washing hands.

~~[7.]~~ 8. Sinks for washing hands, dispensers for soap, devices for drying hands and all related fixtures must be easily cleanable and must be kept clean and in good repair.

*9. A sign or poster notifying employees who handle food to wash their hands must be posted at each employee hand-washing station and must be clearly visible to all employees who handle food.*

**Sec. 64.** NAC 446.455 is hereby amended to read as follows:

446.455 1. Garbage and refuse, including refuse to be recycled or returned, must be kept in containers which are durable, easy to clean, protected against insects and rodents and do not leak or absorb liquids. Plastic bags and paper bags which are strong when wet may be used to line these containers. ~~[These bags may also be used for storage inside the food establishment.]~~

2. Containers in areas used for preparing food and washing utensils must be kept covered after they are filled.

3. Containers stored outside the establishment, dumpsters and compactors must be easy to clean and have lids, doors or covers that fit tightly. These containers must be kept covered when not in use.

4. Containers designed with drains must have their plugs in place at all times except during cleaning.

5. There must be a sufficient number of conveniently located containers to hold all of the garbage and refuse, including refuse to be recycled or returned, that accumulate.

6. *A covered trash receptacle for the disposal of feminine hygiene products must be provided in an accessible location in each stall in any toilet room designated for use by females.*

7. *At least one garbage container must be provided in the vicinity of any vending machine or group of vending machines. The container must:*

*(a) Not be placed within a vending machine;*

*(b) Be leak proof, insect proof and rodent proof;*

*(c) Close automatically;*

*(d) Be easy to clean; and*

*(e) Be cleaned frequently enough to prevent the attraction of insects and rodents.*

8. Soiled containers must be cleaned at a frequency to prevent attracting insects and rodents.

Each container must be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils or areas used for preparing food. If the operator of a food establishment cleans garbage containers at the establishment, hot water and detergent or steam must be provided and used for cleaning the containers.

~~[7.]~~ 9. *If approved by the health authority, a food establishment may use a cleaning service which is based off the premises to clean dumpsters and garbage containers if cleaning implements and supplies are not available on the premises. The health authority may request a letter from the cleaning service that specifies the location and frequency of the cleaning of the dumpsters and containers.*

10. Liquid wastes from compacting or cleaning operations must be drained to the sewer through a drain . ~~[that has been approved by the health authority.]~~ The health authority or ~~[public~~

~~works department]~~ *sewer utility* of the appropriate local government may require that any waste draining from the cleaning operation flow through an interceptor *or trap* for grease.

**Sec. 65.** NAC 446.460 is hereby amended to read as follows:

446.460 1. Garbage and refuse on the premises, including refuse to be recycled or returned, must be stored in a manner to make them inaccessible to insects and rodents.

2. Unprotected plastic bags, paper bags or baled units containing garbage or *food* refuse may not be stored outside.

3. Cardboard or other packaging material which is free of garbage and other waste need not be stored in covered containers, but such packaging material must be contained to prevent scattering.

4. Storage *areas or* rooms for garbage or refuse, including refuse to be recycled or returned, must be constructed of materials which are easy to clean, nonabsorbent and washable. They must be kept clean, protected against insects and rodents, have adequate light, including not less than 20 foot-candles of light in the area of work, must be large enough to store the containers that accumulate and must be maintained free of unnecessary items.

5. Storage areas or enclosures which are outside must be large enough to store the containers that accumulate and must be kept clean.

6. Containers for garbage and refuse, including refuse to be recycled or returned, dumpsters, containers or bins for grease and compactors located outside must be stored on or above a reasonably smooth pad of concrete or asphalt, kept clean and maintained in good repair. ~~[The pad of concrete or asphalt must be sloped adequately with a curb for drainage to a sewer drain that has been approved by the health authority.]~~

**Sec. 66.** NAC 446.495 is hereby amended to read as follows:

446.495 ~~{1. The floors and the coverings for floors in all areas used for the preparation and storage of food and for washing utensils, and in all refrigerators, dressing rooms, locker rooms, rooms with toilets and vestibules, must be constructed of smooth, durable material, such as sealed concrete, terrazzo, ceramic tile, commercial and durable grades of linoleum or plastic, or tight wood impregnated with plastic, and must be maintained in good repair. Nothing prohibits the use of a covering designed to prevent falls in areas where it is necessary for safety if the covering is kept in good repair, can be cleaned properly and is maintained in a clean condition.~~

~~—2. Carpeting must be closely woven, properly installed, easy to clean and must be maintained in good repair. Carpeting and area rugs are prohibited in any area used for the preparation of food or drinks or for washing equipment and utensils. Carpeting is also prohibited where food is stored and in areas where urinals or toilets and related fixtures are located.~~

~~—3.]~~ Only sawdust sifted through a number 10 screen with all the fine dust removed and treated with a 10 percent saline solution may be used on the floors of butcher shops. If sawdust is used in a butcher shop:

~~{(a)}~~ 1. The sawdust must be changed daily or as necessary.

~~{(b)}~~ 2. The application or use of the sawdust must not cause the contamination of food or surfaces that may come into contact with food. If such contamination occurs, the use of sawdust is prohibited.

~~{(c)}~~ 3. The sawdust must not be tracked into walk-in refrigerators or freezers.

~~{(d)}~~ 4. The operator of the butcher shop shall, upon request by the health authority, demonstrate that he is in compliance with the provisions of NRS 446.841.

**Sec. 67.** NAC 446.630 is hereby amended to read as follows:

446.630 1. A temporary food establishment must comply with all the requirements of NAC 446.050 to ~~446.625,~~ 446.495, inclusive, which are applicable to its operation.

2. If, in the opinion of the health authority, an imminent hazard to the public health will not result, temporary food establishments which do not fully comply with all the requirements of NAC 446.050 to ~~446.625,~~ 446.495, inclusive, may operate when the preparation and service of food are restricted and deviations from full compliance are covered by the requirements set forth in NAC ~~446.635~~ 446.630 to 446.660, inclusive.

3. A temporary food establishment may only be operated at a fair, carnival, circus, public exhibition, celebration or similar transitory gathering. The location from which a temporary food establishment is operated must be approved by the health authority.

**Sec. 68.** NAC 446.635 is hereby amended to read as follows:

446.635 1. Potentially hazardous foods requiring limited preparation may be prepared or served at a temporary food establishment only if the health authority has approved the foods before their preparation and service.

2. This section does not apply to any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of NAC 446.045 to ~~446.195,~~ 446.185, inclusive, is obtained in individual servings, stored at a temperature of 40°F (4.44°C) or below or 140°F (60°C) or above in facilities meeting the requirements of NAC 446.045 to ~~446.195,~~ 446.185, inclusive, and is served directly in the unopened container in which it was packaged.

3. Potentially hazardous foods served at a temporary food establishment must be prepared and served in the same day and must not be saved for service on any following day.

4. Potentially hazardous food prepared in a private home must not be served in a temporary food establishment.

**Sec. 69.** NAC 446.665 is hereby amended to read as follows:

446.665 Mobile units must comply with the requirements of NAC 446.050 to ~~446.625,~~ **446.495**, inclusive, where applicable, and with the requirements of NAC 446.665 to 446.815, inclusive. A health authority may impose additional requirements when needed to protect against health hazards.

**Sec. 70.** NAC 446.670 is hereby amended to read as follows:

446.670 ~~1.~~ The interior of a mobile unit must be of sufficient size, with equipment and fixtures conveniently located, and be completely enclosed with the exception of the service openings. Doors providing access to the outside must be equipped with mechanisms that cause the doors to close automatically. ~~and~~ **Doors** must be kept closed.

~~2.—Service openings may not be larger than 18 inches (45 centimeters) wide or 18 inches (45 centimeters) high and must be located away from areas used to prepare and dispense food and beverages. They must be open only while food and beverages are being dispensed, or fans must be used.~~

**Sec. 71.** NAC 446.675 is hereby amended to read as follows:

- 446.675
1. Floors must be made of an impervious material.
  2. Junctures of floors, walls and adjoining fixtures must be watertight and covered.
  3. Walls and ceilings must be made of light-colored, smooth, washable material which is free of open cracks and joints.
  4. ***The height of the ceiling must be adequate to allow the handling of food to be performed in a manner that is safe and in compliance with the provisions of this chapter and the Food Code.***

**Sec. 72.** NAC 446.680 is hereby amended to read as follows:



446.680 ~~[Ventilation]~~ *Forced-air ventilation* must be provided ~~[by a fan]~~ and must include refrigeration when necessary to keep the interior temperature *of the mobile unit* comfortable and to prevent the unnecessary opening of doors and service openings.

**Sec. 73.** NAC 446.685 is hereby amended to read as follows:

446.685 Lighting within the mobile unit must provide at least 20 foot-candles of light on all working surfaces at all times during use ~~[ ]~~, *and all light fixtures must be shielded against breakage.*

**Sec. 74.** NAC 446.695 is hereby amended to read as follows:

446.695 A mobile unit must have a refrigerator which is large enough to store safely all potentially hazardous foods. ~~[The refrigerator must have at least one integral or permanently affixed indicating thermometer accurate to within plus or minus 2°F (1°C).]~~ Only metal or plastic racks may be used in the refrigerator.

**Sec. 75.** NAC 446.700 is hereby amended to read as follows:

446.700 A sink with three compartments which are each large enough to immerse utensils and which are supplied with running water at a temperature of at least ~~[120°F (49°C)]~~ *110°F (43°C)* must be ~~[used.]~~ *provided in the mobile unit.* The sink must have a swivel faucet which is *capable of depositing water into each compartment of the sink and which is* equipped with a mixing valve.

**Sec. 76.** NAC 446.710 is hereby amended to read as follows:

446.710 1. A tank which supplies potable water must have a minimum capacity of 40 gallons (152 liters), a sloped bottom and an outlet drain located at the lowest point of the tank.

2. The inlet for water must be removable, made of flexible copper or other approved tubing and equipped with an approved vacuum breaker and nozzle for connecting a hose. The inlet must

be capped when not in use. The inlet and outlet must be located to prevent contamination from the discharge of waste, dust from the road, oil or grease. The filler and drain hoses must be clearly and permanently identified, used for no other purposes than their intended purposes, and hung with the ends connected or covered when stored. If water is added only at the servicing ~~[depot,] area~~, the vacuum breaker may be installed on the water tap at the ~~[depot,] servicing area~~.

3. When compressed air is used to pressurize the tank, a filter that does not pass oil or oil vapors must be installed in the line that supplies the air, between the compressor and potable water system.

4. ~~[A basin with warm, running, pressurized water, a nailbrush, soap and towels must be used for washing hands.~~

~~—5.]~~ The tank which supplies potable water, pump and hoses must be flushed and sanitized before being placed in service after construction, repair, modification and periods during which they were not used.

**Sec. 77.** NAC 446.715 is hereby amended to read as follows:

446.715 1. A tank for waste that has a capacity at least 15 percent larger than the combined capacities of the tanks holding the water supply, is constructed with the bottom sloped to a drain that has an inner diameter of at least 1 inch (25 millimeters) and is equipped with a shut-off valve must be used.

2. The contents of the tank must be gauged.

3. The tank must be emptied and flushed as often as necessary into ~~[an approved installation in the service depot]~~ *a sanitary station for camping vehicles, as defined in NAC 444.5461*, or

other sanitary station approved *in advance* by the health authority in a manner which maintains sanitary conditions ~~[.]~~ *within the mobile unit.*

4. A tank with an outlet for overflow may not be used.

**Sec. 78.** NAC 446.720 is hereby amended to read as follows:

446.720 1. A can for refuse with a cover must be installed inside a mobile unit.

~~[Containers for the deposit of used cups, dishes, napkins and similar waste with openings to the inside of the mobile unit must also be installed.]~~

2. These containers must be of sufficient size for daily needs and must be constructed, designed and placed so they can be readily cleaned, be kept clean and do not create a nuisance.

3. Containers intended for use by customers must have large, clear signs on the covers stating “Deposit Trash Here” or similar wording that has been approved by the health authority.

**Sec. 79.** NAC 446.730 is hereby amended to read as follows:

446.730 ~~[A notice must be posted within mobile units with instructions relating to:]~~ *The health authority may require a mobile unit to maintain and make available for review:*

1. *Standard operating procedures for the mobile unit, including, without limitation:*

(a) Personal cleanliness;

~~[2.]~~ (b) The proper handling and maintenance of food, beverages, dairy mixes and containers, including the maintenance of required temperatures;

~~[3.]~~ (c) The proper methods of cleaning and sanitizing equipment, utensils and equipment used in supplying water; and

~~[4.]~~ (d) The proper disposal of liquid wastes that are stored in a holding tank and of refuse.

2. *A copy of the agreement from the food establishment that serves as the servicing area regarding the mobile unit required pursuant to NAC 446.740.*

*3. The daily schedule of the mobile unit, including, without limitation, the addresses and routes to be covered for each specific day.*

**Sec. 80.** NAC 446.735 is hereby amended to read as follows:

446.735 Any proposed changes in *the* servicing ~~[depots,]~~ *area*, routes, zones, equipment or the operation of a mobile unit must be submitted to and approved by the health authority before the proposed changes are made.

**Sec. 81.** NAC 446.740 is hereby amended to read as follows:

446.740 1. ~~[All mobile units]~~ *Except as otherwise provided in subsection 5, a mobile unit must be operated from a servicing ~~[depot as authorized by a permit from the health authority.]~~ area.*

2. *A mobile unit may not commence operations until it provides to the health authority a copy of an agreement with a food establishment to serve as the servicing area for the mobile unit. The agreement must be signed by the holder of the permit to operate the food establishment, and must state that the food establishment has agreed to allow the mobile unit to:*

*(a) Use the facilities of the food establishment to:*

*(1) Store food;*

*(2) Maintain potentially hazardous food at the proper temperature;*

*(3) Wash utensils and equipment;*

*(4) Dispose of garbage and used cooking grease; and*

*(5) Prepare food that will be served in the mobile unit.*

*(b) Have full access to the food establishment at all times, including, without limitation, when the food establishment is not in operation.*

3. Each mobile unit must report to its ~~[respective depot]~~ *servicing area* at least once each day for sanitizing and servicing.

~~[3.—The depot must comply with the requirements of NAC 446.050 to 446.625, inclusive, where applicable, and with the requirements of NAC 446.665 to 446.815, inclusive.~~

~~—4.—A depot that is based outside the jurisdiction of the health authority may be operated in this State if the operator satisfies the requirements of subsection 3 and obtains the permit issued pursuant to the provisions of NRS 446.875.]~~

*4. If a servicing area changes ownership or ceases operation for any reason, the mobile unit shall cease operation and notify the health authority within 5 days after ceasing operation.*

*5. A mobile unit may operate in conjunction with a servicing area that is located in the jurisdiction of a different health authority than the one that licensed the mobile unit provided that the servicing area satisfies the requirements of subsection 2 and has obtained a permit pursuant to NRS 446.875 and sections 17 and 18 of this regulation.*

**Sec. 82.** NAC 446.742 is hereby amended to read as follows:

446.742 A mobile unit must not be operated from a specific *fixed* location, other than a special event, for more than ~~[half an]~~ *1* hour.

**Sec. 83.** NAC 446.835 is hereby amended to read as follows:

446.835 The Health Division shall charge and collect the following *nonrefundable* fees for reviewing plans for food establishments ~~[,]~~ *and for a request to approve an alternate method of compliance*, except in areas where the laws and regulations governing food establishments are administered by local health authorities:

For a plan for a new establishment.....	\$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.....	332
Plus an amount equal to one-half of the fee for an annual permit for the establishment after remodeling.	
<i>For a request to approve an alternate method of compliance .....</i>	<i>415</i>

**Sec. 84.** 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]~~ *areas* 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 <del>[depot]</del> <i>area</i> .....	\$166
For reviewing plans of a mobile unit, a self-service mobile unit or a servicing <del>[depot]</del> <i>area</i> .....	166
For reviewing plans for remodeling a mobile unit, a self-service mobile unit or a servicing <del>[depot]</del> <i>area</i> which has a permit .....	166

**Sec. 85.** 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:

(a) Comply with the provisions of NAC 446.845 to 446.860, inclusive, and all the requirements of NAC ~~446.050~~ **446.045** to ~~446.625,~~ **446.495**, inclusive, which are applicable to its operation; 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.

**Sec. 86.** NAC 446.915 is hereby amended to read as follows:

446.915 A barbecue must meet the requirements of ~~NAC 446.050 to 446.840, inclusive, and 446.920 to 446.940, inclusive.~~ ***this chapter and the Food Code.***

**Sec. 87.** NAC 446.946 is hereby amended to read as follows:

446.946 A portable unit for service of food must comply with the requirements of NAC 446.010 to ~~446.625,~~ **446.495**, inclusive, that apply to the operation of portable units for service of food and with the requirements of NAC 446.946 to 446.9472, inclusive. The health authority may establish additional requirements for a portable unit for service of food if necessary to protect against hazards to health.

**Sec. 88.** NAC 446.9466 is hereby amended to read as follows:

446.9466 The holder of a permit ~~for the operation of~~ ***to operate*** a food establishment shall obtain approval from the health authority before he makes any changes to the equipment,

operation or menu of a portable unit for service of food or to the food establishment or servicing ~~[depot]~~ *area* in which the portable unit is located.

**Sec. 89.** NAC 446.9468 is hereby amended to read as follows:

446.9468 The holder of a permit ~~[for the operation of]~~ *to operate* a food establishment shall, at least daily, clean and sanitize the surfaces which may come into contact with food on a portable unit for service of food by using the sink with three compartments in the servicing ~~[depot]~~ *area* or food establishment in which the portable unit is located. If the portable unit has an integral cleaning and sanitizing system built into the unit, it must be operated so that the surfaces which may come into contact with food are cleaned daily.

**Sec. 90.** NAC 446.955 is hereby amended to read as follows:

446.955 1. A food processing establishment must comply with *the provisions of this section and* the provisions of NAC 446.050 to ~~[446.625,]~~ *446.495*, inclusive, 446.830, 446.835 and 446.840 . ~~[and the requirements of this section.]~~

2. If, after September 16, 1992, a food processing establishment is constructed or extensively remodeled, or if an existing structure is converted for use as a food processing establishment, properly prepared plans and specifications for such construction, remodeling or alteration showing layout, arrangement and construction materials of work areas and the location, size and type of fixed equipment and facilities must be submitted to the health authority for approval before such work is begun. Where full-time city, county or district health departments exist, such plans and specifications must be submitted to such health authorities for approval before such work is begun. Such plans must be accompanied by a detailed description of the operation of food processing and any other documentation required by the health authority, including:



- (a) The food to be handled, processed or packaged.
- (b) Any label for packaging which has been proposed for a food product. ~~[Such a label must be reviewed and approved by the health authority and any fees required must be paid before the label may be used.]~~

(c) A description of all of the steps required to process each food product. The description must include:

- (1) The amount of time required for each step;
- (2) The amount of time required between each step;
- (3) Proposed temperatures of the food product;
- (4) Rates of cooling and heating the food product; and
- (5) The process for handling food by employees of the establishment.

(d) If the processing involves heating or cooling food products, the methods used, such as ovens, warmers, blast chillers, walk-in refrigerators and similar equipment. Such methods must be approved by the health authority.

3. If the processing involves potentially hazardous food or if the steps are critical in regard to bacterial growth, the health authority may require supporting laboratory data, including, without limitation:

- (a) The results of a pH test;
- (b) The results of a bacterial culture test;
- (c) The results of a water activity test;
- (d) A determination of the level of salinity;
- (e) An analysis of the cooling or heating temperature used for the food product; and

(f) A complete program for the analysis of hazards and critical control points for food processing.

4. Any information required by the provisions of this section must be reviewed and approved by the health authority, in writing, before a plan required by subsection 2 may be carried out. Additional documentation or information may be required by the health authority before the approval is granted.

5. If there is a change in any of the information required by this section, the applicant must submit an amended statement of information to the health authority for written approval before the new or modified process may be carried out.

**Sec. 91.** NAC 446.0105, 446.0128, 446.0135, 446.0145, 446.017, 446.018, 446.020, 446.022, 446.027, 446.030, 446.036, 446.037, 446.038, 446.055, 446.065, 446.070, 446.075, 446.080, 446.085, 446.090, 446.095, 446.100, 446.105, 446.110, 446.120, 446.122, 446.130, 446.145, 446.147, 446.150, 446.155, 446.157, 446.170, 446.180, 446.190, 446.195, 446.198, 446.200, 446.210, 446.211, 446.212, 446.213, 446.214, 446.215, 446.220, 446.230, 446.235, 446.240, 446.245, 446.250, 446.255, 446.260, 446.265, 446.270, 446.280, 446.285, 446.290, 446.295, 446.300, 446.305, 446.310, 446.315, 446.320, 446.325, 446.330, 446.335, 446.340, 446.345, 446.350, 446.355, 446.360, 446.365, 446.370, 446.375, 446.385, 446.390, 446.405, 446.475, 446.480, 446.485, 446.490, 446.500, 446.505, 446.510, 446.515, 446.520, 446.525, 446.530, 446.535, 446.545, 446.555, 446.560, 446.565, 446.570, 446.575, 446.580, 446.585, 446.595, 446.600, 446.605, 446.610, 446.615, 446.620, 446.625, 446.745, 446.750, 446.755, 446.760, 446.765, 446.770, 446.775, 446.821, 446.823, 446.865, 446.870, 446.875, 446.880, 446.885, 446.890, 446.895, 446.900, 446.905, 446.910 and 446.960 are hereby repealed.

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**TEXT OF REPEALED SECTIONS**

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**446.0105 “Approved” defined. (NRS 439.200, 446.940)** “Approved” means any place, object or practice that conforms with principles, practices and generally recognized standards that protect public health, as determined by the health authority.

**446.0128 “Easily cleanable” defined. (NRS 439.200, 446.940)** “Easily cleanable” means the characteristic of a surface that allows the effective removal of contaminants using normal cleaning methods.

**446.0135 “Food establishment” defined. (NRS 439.200, 446.940)** “Food establishment” has the meaning ascribed to it in NRS 446.020.

**446.0145 “Game animal” defined. (NRS 439.200, 446.940)** “Game animal” means an animal, other than cattle, sheep, swine, goat, poultry, domestically raised rabbit or domestically raised game bird, the product of which is food. The term includes, without limitation, reindeer, elk, deer, antelope, water buffalo, bison, squirrel, bear, muskrat, aquatic and nonaquatic reptiles, aquatic mammals and exotic animals.

**446.017 “Packaged” defined. (NRS 439.200, 446.940)** “Packaged” means contained in a bottle, can or carton or securely held in a bag or a wrap.

**446.018 “Packaging with a modified atmosphere” defined. (NRS 439.200, 446.940)** “Packaging with a modified atmosphere” means packaging material in which the oxygen has been:

1. Reduced by mechanical evacuation;
2. Displaced with another gas or combination of gases; or
3. Otherwise reduced to less than 21 percent.

↪ The term includes, without limitation, methods of packaging that may be referred to as “sous vide,” altering the atmosphere, controlling the atmosphere, reducing the oxygen, lowering the oxygen or vacuum packaging.

**446.020 “Person” defined. (NRS 439.200, 446.940)** “Person” means any natural person, firm, partnership, association or corporation.

**446.022 “pH” defined. (NRS 439.200, 446.940)** “pH” means the degree of acidity or alkalinity of an aqueous solution equal to the negative logarithm of the effective concentration of the hydrogen ion.

**446.027 “Product module” defined. (NRS 439.200, 446.940)** “Product module” means a food container designed for the service of bulk food by direct or indirect means for customers who serve themselves.

**446.030 “Safe materials” defined. (NRS 439.200, 446.940)** “Safe materials” means articles manufactured from or composed of materials that are not expected to become a component of or otherwise affect the characteristics of any food.

**446.036 “Support animal” defined. (NRS 439.200, 446.940)** “Support animal” means an animal that is necessary for a person with a visual, aural or physical disability to conduct his daily activities.

**446.037 “Surface which may come into contact with food” defined. (NRS 439.200, 446.940)** “Surface which may come into contact with food” means the surface of a piece of equipment or a utensil:

1. With which food normally comes into contact; or
2. From which food may drain, drip or splash:
  - (a) Into food; or
  - (b) Onto a surface with which food normally comes into contact.

**446.038 “Value of water activity” defined. (NRS 439.200, 446.940)** “Value of water activity,” as indicated by the symbol “aw,” means the quotient of the pressure of water vapor in a substance divided by the pressure of water vapor in pure water when the pure water is at the same temperature as the substance.

**446.055 Food stored in hermetically sealed containers. (NRS 439.150, 439.200, 446.940)**

1. Food may not be used in a food establishment if it was stored in hermetically sealed containers that were not prepared in a food processing establishment approved by the health authority.
2. Hermetically sealed packages from an approved food processing establishment must be handled to maintain the integrity of the product and the containers.

**446.065 Milk and milk products. (NRS 439.150, 439.200, 446.940)**

1. Fluid milk and products made from milk used or served in a food establishment must be pasteurized and from a source approved by the health authority.
2. Dry milk and products made with dry milk must be made from pasteurized milk and products made with pasteurized milk.

**446.070 Frozen desserts. (NRS 439.150, 439.200, 446.940)** All frozen desserts and mix must be from a source approved by the health authority.

**446.075 Shellfish. (NRS 439.150, 439.200, 446.940)**

1. Except as otherwise provided in subsection 3, fresh and frozen shellfish, such as oysters, clams or mussels, must be packed in nonreturnable packages which are labeled with the name and address of the original processor or the person who repacked them, and the number for interstate certification. Shell stock and shucked shellfish must be kept in the container in which they were received until they are used.

2. Each container of unshucked shellfish, such as oysters, clams or mussels, must be identified by a tag attached to the container, to be retained for 90 days, that states the name and address of the original processor, the kind and quantity of shellfish in the container, and the number for interstate certification issued by the state or a foreign agency.

3. Fresh shellfish may be displayed in a tank that is designed to support the life of shellfish if:

- (a) No water that is used for fish other than shellfish is able to flow into the tank for shellfish.
- (b) The operation of the tank does not adversely affect the safety and quality of the shellfish.
- (c) The shellfish are identified pursuant to subsection 1.

**446.080 Eggs. (NRS 439.150, 439.200, 446.940)**

1. Only clean whole eggs with their shells intact or pasteurized liquid, frozen or dry eggs or products made from dry eggs may be used in a food establishment, except that eggs which have been hard-boiled, peeled and commercially prepared and packaged may be used.

2. A food establishment shall use pasteurized liquid, frozen or dry eggs or products made from pasteurized eggs instead of whole, fresh eggs in the preparation of dishes and condiments that are not cooked, such as a caesar salad, hollandaise or bernaise sauce, noncommercial mayonnaise, eggnog, ice cream or any beverage that is fortified with eggs.

**446.085 Meat, game animals, fish and poultry. (NRS 439.150, 439.200, 446.940)** All meat, products made from meat, game animals, products made from game animals, fish, products made from fish, poultry and products made from poultry must be from a source approved by the health authority.

**446.090 Baked products. (NRS 439.150, 439.200, 446.940)**

1. Baked products must be prepared in an approved food establishment or food processing establishment, and handled and transported in an approved manner.
2. Baked products filled with synthetic ingredients that will not support the rapid and progressive growth of infectious or toxigenic microorganisms must be labeled to state that refrigeration is not required.

**446.095 Storage of potentially hazardous food. (NRS 439.150, 439.200, 446.940)**

Except as otherwise provided in this chapter, potentially hazardous food must be stored at a temperature of 40°F (4.44°C) or below or 140°F (60°C) or above.

**446.100 Emergencies. (NRS 439.150, 439.200, 446.940)** If the occurrence of an emergency such as a fire, flood, loss of power or similar event might result in the contamination of food or prevent potentially hazardous food from being stored at required temperatures, the person in charge at the food establishment shall immediately contact the health authority. Upon receiving notice of the emergency, the health authority will take any action necessary to protect the public health.

**446.105 Storage of food. (NRS 439.150, 439.200, 446.940)**

1. Except as otherwise provided in subsection 3, if food is removed from the container or package in which it was obtained, it must be stored in a clean covered container unless it is being prepared or served.

2. The cover of the container must be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering containers for bread or rolls. The linens or napkins must be changed or discarded after each use.

3. Solid cuts of meat must be covered while in storage, except that quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food is stored beneath the meat. No meat may be stored in direct contact with shelves.

4. Whole, uncut and raw fruits and vegetables, and nuts in their shells may be kept in their original shipping containers until they are used.

**446.110 Storage of food, containers of food and packaged food; resale of food from bulk containers. (NRS 439.150, 439.200, 446.940)**

1. Containers of food in a food establishment must be stored at least 6 inches (15 centimeters) above the floor in a manner that protects the food from contamination and permits easy cleaning of the storage area with the following exceptions:

(a) Metal containers for beverages which have been pressurized and cases of food packaged in cans, glass or other waterproof containers need not be elevated when the containers are not exposed to moisture on the floor.

(b) Containers may be stored on dollies, racks or pallets if such equipment is easy to move.

2. Food and containers of food must not be stored under any exposed or unprotected sewer lines or waterlines, unless the lines are automatic sprinklers required by law.

3. Food may not be stored in rooms with toilets, vestibules or lockers, or in rooms containing garbage or mechanical facilities.



4. Packaged food may not be stored in a wet environment. However, packaged food placed in containers made of impervious glass or metal may be stored in drained ice. Wrapped sandwiches may not be stored in direct contact with ice.

5. Food which:

(a) Is spoiled;

(b) Is in a container that has sustained damage which may affect it; or

(c) Has been returned to or is being detained by the food establishment because of public health considerations,

↳ must be segregated and held in designated areas pending proper disposition unless it is disposed of under the supervision of the health authority. For the purposes of this subsection, a hermetically sealed container that has sustained damage to the seams on the top, bottom or side of the container or that has sustained sharp or creasing dents to areas other than the seams shall be deemed a container that has sustained damage that may affect the food contained inside the container.

6. Food from bulk containers returned to a retail store by a customer may not be offered for resale.

7. Containers of bulk pet food and bulk nonfood items must be separated from food items by a barrier or open space of not less than 12 inches (30 centimeters).

**446.120 Maintenance and storage of hot food. (NRS 439.150, 439.200, 446.940)**

1. There must be adequate facilities at a food establishment to maintain hot food. These facilities must be conveniently located to ensure the maintenance of food at the required temperature.

2. Each piece of equipment used for the maintenance of potentially hazardous hot food must have at least one integral or permanently affixed indicating thermometer which is numerically scaled or a recording thermometer, accurate to plus or minus 2°F (1°C), located in the coolest part of the piece of equipment where it can be easily read.

3. If it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cat-rod units or insulated carriers for transporting foods, an accurately calibrated probe thermometer must be available and used to check the internal temperature of the food.

4. The internal temperature of potentially hazardous foods which require hot storage must be 140°F (60°C) or above except during periods of preparation.

**446.122 Reusable containers for beverages. (NRS 439.150, 439.200, 446.940)**

1. A food establishment may refill a reusable beverage container which is owned by a customer with a product that is not potentially hazardous if the refill is for that customer.

2. The design of such containers, when considered in conjunction with the design of the rinsing component of the equipment used to refill the container, must permit the effective cleaning of the container.

3. A facility for cleaning such containers which uses fresh, hot water under pressure that has not been recirculated, must be provided as a part of the dispensing operation.

4. A system for refilling such containers, when used by a customer, must include a transfer process which is free from contamination and which the customer cannot bypass.

5. The Board may exempt from the requirements of this section water vending operations.

**446.130 Preparation of food: Raw fruits and vegetables. (NRS 439.150, 439.200, 446.940)** Raw fruits and vegetables must be thoroughly washed:

1. With potable water before being cooked, prepared, processed, served or dispensed.

2. In a sink which:

(a) Has a drain that is indirectly connected to a floor sink in compliance with the Uniform Plumbing Code;

(b) Runs hot and cold water that is tempered by a mixing valve or combination faucet; and

(c) Is located in an area that has been approved by the health authority.

**446.145 Preparation of food: Potentially hazardous foods. (NRS 439.150, 439.200, 446.940)**

1. Potentially hazardous foods which have been frozen must be thawed:

(a) In refrigerated units at an ambient temperature not exceeding 40°F (4.44°C);

(b) Under potable running water at a temperature of 70°F (21°C) or below, with a sufficient water velocity to agitate and float off loose particles of food;

(c) In a microwave oven, if the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire cooking process takes place without interruptions in the microwave oven; or

(d) As part of the conventional cooking process.

2. Potentially hazardous foods which require cooking must be cooked to heat all parts of the food to a temperature of at least 145°F (63°C) for at least 15 seconds, with the following exceptions:

(a) Poultry, stuffing for poultry, stuffed meats and stuffings containing meats must be cooked to heat all parts of the food to at least 165°F (74°C) for at least 15 seconds with no interruption in the cooking.

(b) Pork, any food containing pork, game animals, injected meats, comminuted fish and meats, including hamburger, must be cooked to heat all parts of the food to at least 155°F (68°C) for at least 15 seconds or, if cooked in a microwave oven, to at least 170°F (77°C).

(c) Roast beef must be cooked to an internal temperature of at least 130°F (55°C) or, if cooked in a microwave oven, to at least 145°F (63°C). Beef steak must be cooked to an internal temperature of at least 130°F (55°C), unless otherwise ordered by the immediate customer.

(d) Fishery products which are not cooked throughout to 145°F (63°C) or above must, before their service or sale in a form which is ready to eat, be blast frozen to -31°F (-35°C) or below for 15 hours or regularly frozen to -4°F (-20°C) or below for 168 hours (7 days). Records which establish compliance with this paragraph must be retained by the operator for 90 days after the service or sale of the fishery products, unless the products were frozen by the supplier and a written statement is provided by the supplier stipulating that the products supplied were frozen to the temperature and for the time specified in this paragraph, in which case the supplier's written statement must be retained by the operator for 90 days.

3. Potentially hazardous foods which have been prepared to be ready to eat and then refrigerated for more than 24 hours must be marked with the date of preparation. These foods must not be used for human consumption if not sold, served or frozen within 10 calendar days after preparation.

4. Potentially hazardous foods which have been prepared by another food establishment or food processing plant to be ready to eat and packaged in a container for refrigeration must be marked by the manufacturer to indicate the date by which the food must be sold, served or frozen. These foods must be discarded if not sold, served or frozen:

(a) Within 10 calendar days after the original container is opened; or

(b) On or before the date by which the food must be sold or used, as indicated on the container,

↳ whichever occurs first.

5. Potentially hazardous foods that have been cooked and refrigerated must be reheated rapidly so that the food reaches a temperature of 165°F (74°C) or above throughout the entire product for at least 15 seconds before being served or placed in a facility for maintaining hot food. Steam tables, bainmaries, warmers, crockpots and similar facilities for holding hot foods may not be used for the rapid reheating of potentially hazardous foods.

6. Metal indicating thermometers which are numerically scaled and accurate to plus or minus 2°F (1°C) must be used to ensure the attainment and maintenance of proper internal temperatures for cooking, holding or refrigerating all potentially hazardous foods. At least one such thermometer must be available for use by employees at all times. The thermometers must be washed, rinsed and sanitized before insertion into a food.

**446.147 Use of packaging with a modified atmosphere; contents of plan for analyzing the hazards of critical control points. (NRS 439.150, 439.200, 446.940)**

1. A food establishment that packages food using packaging with a modified atmosphere must have a plan for analyzing the hazards of critical control points that:

(a) Contains the information specified in NAC 446.821;

(b) Identifies the food that is packaged in packaging with a modified atmosphere;

(c) Limits the food packaged in packaging with a modified atmosphere to food that does not support the growth of *Clostridium botulinum* because the food:

(1) Has a value of water activity of 0.91 or less;

(2) Has a pH of 4.6 or less;

(3) Is a product made from meat that was:

(I) Processed in a processing plant that is regulated by the United States Department of Agriculture;

(II) Cured with a combination of nitrites, nitrates and salt which had a concentration of sodium nitrite that is 120 mg/l or higher and a combination of brine that was at least 3.5 percent sodium chloride; and

(III) Received by the food establishment in an intact package; or

(4) Is a food with a high level of competing organisms, such as raw meat or raw poultry;

(d) Specifies methods for maintaining food that is packaged in packaging with a modified atmosphere at 40°F (4.44°C) or below;

(e) Requires packaging with a modified atmosphere to display prominently and conspicuously on the principal display panel, in bold type with a contrasting background, instructions to:

(1) Maintain the food packaged therein at 40°F (4.44°C) or below; and

(2) Discard the food packaged therein if, within 14 days after its packaging, it is not frozen or served for consumption on or off the premises of the recipient;

(f) Prohibits food that is packaged in packaging with a modified atmosphere to be held for more than 14 calendar days after the date of packaging or beyond the manufacturer's date by which the food must be used or sold, whichever comes first, unless the product is frozen for storage within that period;

(g) Includes operational procedures that:

(1) Prohibit bare hands from coming into contact with food that is packaged in packaging with a modified atmosphere;

(2) Identify designated areas for raw foods and foods that are ready to eat and minimize the possibility of cross-contamination between those foods;

(3) Restrict access to processing equipment to trained personnel who are familiar with the potential hazards of the operation; and

(4) Delineate cleaning and sanitization procedures for surfaces which may come into contact with food; and

(h) Include a training program that ensures that the person responsible for packaging food in packaging with a modified atmosphere understands the:

(1) Procedures required for the safe operation of the packaging; and

(2) Equipment and facilities used in the packaging process.

2. A food establishment may not package fish in packaging with a modified atmosphere unless the fish is frozen before packaging and will remain frozen during and after packaging.

**446.150 Service of food: Protection of food. (NRS 439.150, 439.200, 446.940)**

1. Food in a salad bar, serving line or other kind of display must be protected against contamination by customers or the environment through the operator's use of protective devices, such as glass shields, easily cleanable counters, packaging, display cases or other effective means.

2. Bulk food in retail stores must be dispensed only from containers that are protected by individual covers which fit closely and close automatically. Access by customers to bulk food must be controlled to avoid the introduction of contaminants. Means considered suitable include:

(a) Providing a product module depth of not more than 18 inches (45 centimeters);

(b) Locating product modules with access from the top so that there is at least 30 inches (75 centimeters) between the access point and the floor; or

(c) If the product module access point is less than 30 inches (75 centimeters) off the floor, providing access from the side or at an angle if, when the product module is open, the cover extends across the surface of the product and provides overhead protection.

3. Food that may have been contaminated by an employee who has been restricted from performing certain tasks in a food establishment or excluded from the food establishment must be discarded.

**446.155 Service of food: Potentially hazardous and frozen foods; raw or undercooked food of animal origin. (NRS 439.150, 439.200, 446.940)**

1. Except as otherwise provided in NAC 446.157, potentially hazardous food must be kept at an internal temperature of 40°F (4.44°C) or below or at 140°F (60°C) or above while being displayed or served, except that rare roast beef may be held for service at a temperature of at least 130°F (55°C).

2. Adequate facilities for maintaining or displaying potentially hazardous hot or cold food must be available to maintain the required temperature of the potentially hazardous food.

3. Foods intended for sale in a frozen state must be displayed at an ambient temperature of 0°F (-18°C) or below, except for defrost cycles and brief periods of loading or unloading. Frozen foods must be displayed below or behind product food lines according to the specifications of the cabinet manufacturer.

4. Except as otherwise provided in this subsection, exposed raw food of animal origin may not be offered in a manner in which a customer is allowed to serve himself. Raw food of animal origin may be offered for immediate consumption as a raw food at a buffet or salad bar if the raw food is first prepared for consumption by an employee of the food establishment. Raw food of animal origin may be offered for immediate consumption as a cooked food if a customer selects



the raw food and other ingredients and an employee of the food establishment cooks and prepares all the ingredients.

5. If raw or undercooked food of animal origin is offered ready to eat at a food establishment or in a vending machine, or as an ingredient in another food that is ready to eat, the holder of the permit to operate the food establishment must give written notice to customers of the significantly increased risk associated with eating such foods in a raw or undercooked form on a brochure, delicatessen case, menu or placard or in another location that is readily visible to customers.

**446.157 Service, storage and display of food: Potentially hazardous food kept at an internal temperature above 40°F (4.44°C) or below 140°F (60°C). (NRS 439.150, 439.200, 446.940)**

1. Potentially hazardous food may be kept at an internal temperature above 40°F (4.44°C) or below 140°F (60°C) if held for no longer than the time limitations set forth in this subsection. While being stored before cooking or while being served or displayed for immediate service, potentially hazardous food may be kept at an internal temperature above 40°F (4.44°C) or below 140°F (60°C) if:

(a) The food is cooked or served within 4 hours after the time its temperature exceeds 40°F (4.44°C) or goes below 140°F (60°C);

(b) The food is marked or otherwise identified with the hour of the day by which it must be cooked, served or discarded; and

(c) The holder of the permit for the operation of the food establishment creates and maintains, on the premises and available for review by the health authority, written procedures ensuring compliance with paragraphs (a) and (b).

2. Potentially hazardous food that has been refrigerated since receipt by the food establishment may be kept at an internal temperature above 40°F (4.44°C) or below 45°F (7.2°C) while being stored before cooking or while being displayed for immediate service if:

(a) The food is cooked or served within 72 hours after the time its temperature exceeds 40°F (4.44°C) or goes below 45°F (7.2°C);

(b) The food is marked or otherwise identified with the hour of the day by which it must be cooked, served or discarded;

(c) The food is constantly refrigerated; and

(d) The holder of the permit for the operation of the food establishment creates and maintains, on the premises and available for review by the health authority, written procedures ensuring compliance with paragraphs (a), (b) and (c).

3. Any potentially hazardous food kept pursuant to subsection 1 or 2:

(a) In a container or package which does not have the hour by which it must be cooked, served or discarded marked on it; or

(b) For longer than the time specified in those subsections,

↪ must be discarded.

**446.170 Service of food: Condiments. (NRS 439.150, 439.200, 446.940)**

1. Condiments, seasonings and dressings for customers who serve themselves must be provided in single packages, from approved dispensers, or from containers which are protected from contamination by customers.

2. Condiments provided at a table or counter must be individually portioned, except that catsup and other sauces, if in dispenser type containers, may be served in the original containers or in other approved dispensers that pour.

3. Sugar must be provided in single packages or in covered dispensers that pour.

**446.180 Service of food: Dispensing utensils. (NRS 439.150, 439.200, 446.940)**

1. Suitable dispensing utensils, adequate in number, must be used by employees when serving food or provided to customers who serve themselves.

2. When not being used to serve food, dispensing utensils must be:

(a) Stored in the food with the handle of the utensil extended out of the food;

(b) Clean and dry when stored;

(c) Stored in running water; or

(d) Stored in a dipper well of running water.

3. If bulk food sold at retail is dispensed by customers who serve themselves, manual contact of foods by the customer during dispensing must be avoided. Some methods considered suitable include:

(a) The use of mechanical dispensing devices, including gravity dispensers, pumps, extruders and augers.

(b) The use of wrapping or sacking.

(c) The use of a tether for the utensil. Such a tether must be:

(1) Constructed of easily cleanable material;

(2) Of such a length that the utensil cannot contact the floor;

(3) Designed to prevent interference with covers which fit closely; and

(4) Easily removable for cleaning.

(d) Storage of the utensil in a sleeve or protective housing attached or adjacent to the display unit when not in use, or by utilizing a utensil designed so that the handle cannot contact the product if left in the product module.

4. If ladles and spatulas are used in other than dry foods, they must be stored in the food with handles extending to the outside and the handles must not prevent the lid from closing.

**446.190 Service of food: Leftover food. (NRS 439.150, 439.200, 446.940)** Portions of a customer's leftover food may not be served again, except that packaged food, other than potentially hazardous food, that is still packaged and is in sound condition may be served again. Fruit with the exterior surface intact may be served again.

**446.195 Transportation of food. (NRS 439.150, 439.200, 446.940)**

1. During transportation, food and utensils used with food must be kept in covered containers or completely wrapped or packaged. The provisions of this subsection do not apply to hanging parts of carcasses, quarters, sides of meat, or raw fruits and vegetables.

2. Foods in original single packages do not need to be wrapped again or covered if the original package has not been torn or broken.

3. During transportation, including transportation to another location for service or catering operations, food must meet the requirements of this chapter relating to its protection, temperature and storage.

**446.198 Person in charge and holder of permit: Qualifications and responsibilities. (NRS 439.150, 439.200, 446.940)**

1. The responsibility for assuring that the employees of a food establishment comply with the provisions of this chapter must be clearly assigned to the person in charge of the establishment.

2. The person in charge must be the holder of the permit for the operation of the establishment or a person designated by the holder of the permit to be in charge. The holder of

the permit shall ensure that a person in charge is present at the food establishment during all hours of operation.

3. The person in charge of a food establishment must be able to demonstrate a knowledge of and apply the provisions of this chapter regulating the protection and sanitation of food, including, but not limited to, a knowledge of:

- (a) The proper sources of food;
- (b) Safe temperatures and time relationships for potentially hazardous food;
- (c) The elements of good personal hygiene;
- (d) Approved procedures for washing equipment and utensils;
- (e) The storage and use of toxic items; and
- (f) The control of insects, rodents and other animals.

4. A food establishment in which customers serve themselves must be supervised by persons who are trained in procedures for correcting any unsanitary conditions created by the customers.

**446.200 Employees required to keep hands clean; use of gloves. (NRS 439.150, 439.200, 446.940)**

1. Employees of food establishments must thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work, after using tobacco, eating, drinking or using the toilet, before and after handling raw meat, raw poultry or raw seafood, before handling clean tableware and after handling soiled tableware, including ashtrays, after caring for or handling support animals, after coughing, sneezing or using a handkerchief or disposable tissue, or as often as is necessary to keep them clean.

2. Employees must keep their fingernails clean and trimmed.

3. When washing their hands, employees must use a nailbrush to clean their fingertips, under their fingernails and between their fingers.

4. A supply of nailbrushes intended for a single use must be available at each sink that is used by food handlers for washing hands. One nailbrush intended to be used more than once may be supplied instead of nailbrushes intended for a single use if it is stored in a sanitizing solution of 50 parts per million (ppm) of chlorine or another sanitizer that has been approved by the health authority.

5. An employee of a food establishment must not use a pair of gloves intended for a single use for more than one purpose and must discard the gloves after they are damaged or soiled or after the process of preparing food has been interrupted.

**446.210 Required and prohibited behavior: Consumption of food and beverages; use of tobacco; handling of soiled tableware; hygiene; jewelry. (NRS 439.150, 439.200, 446.940)**

1. Except as otherwise provided in subsection 2, employees may consume food only in areas designated for that purpose. Food may not be consumed in an area where the contamination of other food, equipment, utensils or other items needing protection may occur.

2. A food handler may consume, in all areas of a food establishment, a beverage from a container that has a lid and a permanent straw, if the straw has no cap on it and if the container is handled to prevent the contamination of:

- (a) The employee's hands;
- (b) The container;
- (c) Any exposed food;
- (d) Clean equipment;
- (e) Utensils;

(f) Linens; and

(g) Unwrapped articles intended to be disposed of by the customer after a single use.

3. Employees may not use tobacco in any form while preparing or serving food or in areas used for washing equipment or utensils or for preparing food.

4. Employees may use tobacco only in areas designated for that purpose. Tobacco may not be used in an area where the contamination of food, equipment, utensils or other items needing protection may occur.

5. Employees shall handle soiled tableware, including ashtrays, in a way that minimizes the contamination of their hands. An employee assigned to remove soiled tableware shall not set clean tableware if his hands become contaminated unless he first washes his hands.

6. Employees shall maintain a high degree of personal cleanliness and conform to good hygienic practices while working in the food establishment.

7. Employees may not wear jewelry on their hands or arms while preparing food, except that a plain band with no stone or object attached to it may be worn on a finger.

**446.211 Food handler required to report on health and diseases; presence of infected or ill food handler prohibited. (NRS 439.150, 439.200, 446.935, 446.940)**

1. The holder of a permit for the operation of a food establishment shall require each food handler and each applicant to become a food handler to report verbally to the holder of the permit information about his health and activities as they relate to diseases that may be transmitted through food.

2. A person in charge shall prohibit the physical presence of a food handler in the food establishment if the food handler:

(a) Is diagnosed as carrying any of the following infectious agents:

- (1) Salmonella typhi;
- (2) Shigella spp.;
- (3) Escherichia coli 0157:H7; or
- (4) Hepatitis A virus infection;

(b) Has a symptom that is associated with acute gastrointestinal illness, such as abdominal cramps, diarrhea, fever, loss of appetite for 3 or more consecutive days, vomiting or jaundice; or

(c) Has a pustular lesion on any exposed part of his body, including, without limitation, a boil or an open or draining infected wound, unless the lesion is covered by a dry, durable bandage that fits tightly.

**446.212 Return to work of food handler infected with Salmonella typhi. (NRS 439.150, 439.200, 446.935, 446.940)**

1. The health authority shall allow a food handler who was infected with Salmonella typhi to return to work in a food establishment if three consecutive cultures developed from stool specimens of the food handler test negative for Salmonella typhi and if each stool specimen was obtained:

- (a) Not earlier than 1 month after the onset of the infection;
- (b) At least 48 hours after the food handler stopped taking antibiotics; and
- (c) At least 24 hours after the previous specimen, if any, was obtained.

2. If one of the cultures obtained pursuant to this section tests positive, the next culture may be obtained not sooner than 1 month after the positive culture was obtained.

**446.213 Return to work of food handler infected with Shigella spp. or Escherichia coli 0157:H7. (NRS 439.150, 439.200, 446.935, 446.940)** The health authority shall allow a food handler who was infected with Shigella spp. or Escherichia coli 0157:H7 to return to work in a



food establishment if two consecutive cultures developed from stool specimens of the food handler test negative for Shigella spp. or Escherichia coli 0157:H7 and if each stool specimen was obtained:

1. At least 48 hours after the food handler stopped taking antibiotics; and
2. At least 24 hours after the previous specimen, if any, was obtained.

**446.214 Return to work of food handler infected with hepatitis A virus. (NRS 439.150, 439.200, 446.935, 446.940)** The health authority shall allow a food handler who was infected with hepatitis A virus to return to work in a food establishment if:

1. Symptoms cease; or
2. At least two blood tests indicate a decrease in liver enzymes.

**446.215 Materials for equipment and utensils. (NRS 439.150, 439.200, 446.940)**

1. Equipment and utensils designed for multiple use must be constructed and repaired with safe materials and must be resistant to corrosion, nonabsorbent, smooth, easy to clean and durable under conditions of normal use.
2. Articles designed for a single use must be made from materials which are clean, sanitary and safe.
3. Equipment, utensils and articles designed for a single use must not impart any odor, color or taste, or contribute to the contamination of food.
4. If solder is used, it must be nontoxic, free of cadmium, lead, antimony and bismuth and resistant to corrosion.
5. Hard maple or materials which are equivalently nonabsorbent, nontoxic, smooth and free of cracks, crevices or open seams may be used for cutting blocks, cutting boards, salad bowls,

bakers' tables and wooden paddles used in confectionary operations for pressure scraping kettles when confections are manually prepared at a process temperature of 230°F (110°C) or above.

6. Wood may be used for articles designed for a single use, such as chop sticks, stirrers or spoons for ice cream.

7. Except as otherwise provided in subsections 5 and 6, surfaces which come into contact with food may not be made of wood.

8. Materials such as plastic or rubber that resist scratching, scoring, decomposition, crazing, chipping and distortion under normal use and are of a sufficient weight and thickness to permit cleaning and sanitizing by normal methods, may be used repeatedly as long as they remain smooth, nonabsorbent and easy to clean.

**446.220 Articles designed for single use. (NRS 439.150, 439.200, 446.940)**

1. Mollusk and crustacea shells may be used only once as serving containers.
2. Articles which are designed for a single use may not be used more than once.
3. Plastic bags or disposable liners used as product modules and designed for a single use must be of nontoxic materials and of sufficient thickness to resist tears and cuts.

**446.230 Equipment and utensils required to be durable. (NRS 439.150, 439.200, 446.940)** All equipment and utensils, including equipment and utensils made of plastic, must be durable under normal use and must resist denting, buckling, pitting, chipping and crazing.

**446.235 Surfaces which may contact food. (NRS 439.150, 439.200, 446.940)**

1. Surfaces which may come into contact with food must be easily cleanable, smooth and free of breaks, open seams, cracks, chips, pits and similar imperfections. These surfaces must be free of internal corners and crevices which are difficult to clean.

2. Copper and copper alloys, such as brass, may not be used in contact with a food that has a pH below 7.0, such as vinegar, fruit juice or wine, or for a fitting or tubing installed between a carbonator and a device to prevent backflow.

3. Galvanized metal may not be used for utensils or surfaces which may come into contact with food that are on equipment used for beverages, moist food or hygroscopic food.

4. Except as otherwise provided in this subsection, linens and napkins may not be used in contact with food. Linens and napkins may be used to line containers used for the service of food if the linens or napkins are replaced each time the container is refilled.

5. Cloth gloves and gloves made of a material that is resistant to cuts may be used in direct contact with food that is subsequently cooked, such as frozen food or a primal cut of meat.

6. Pewter may not be used as a surface which may come into contact with food.

7. Cast iron may be used as a surface which may come into contact with food only if the food is nonacidic and the surface is heated.

8. Unless designed for cleaning in place, surfaces which come into contact with food must be accessible for cleaning and inspection:

(a) Without being disassembled;

(b) By disassembling without the use of tools; or

(c) By easy disassembling with the use of only simple tools such as a mallet, screwdriver or open-ended wrench. Such tools must be kept clean and maintained near the equipment and must be stored in such a manner that they do not contaminate food or surfaces which may come into contact with food.

9. Product modules, lids, dispensing units and utensils must be designed and fabricated to comply with this section.

10. Cold plates or other devices that are used to chill liquids must be built into a bin used for the storage of ice.

**446.240 Surfaces which do not contact food. (NRS 439.150, 439.200, 446.940)**

1. Surfaces of equipment not intended for contact with food, but which are exposed to splashed liquids or debris or which otherwise require frequent cleaning, must be smooth, washable, free of unnecessary ledges, projections or crevices and readily accessible for cleaning. The surfaces must be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

2. Tethers for utensils used for bulk food must be designed to be easily removable from the product module for cleaning.

**446.245 Threads in equipment. (NRS 439.150, 439.200, 446.940)**

1. Threads in any equipment must be easy to clean.

2. Ordinary “V” type threads are prohibited on surfaces which may come in contact with food, except that in equipment such as ice makers, cooking equipment using hot oil or filtering systems for hot oil, such threads may be used but must be minimized.

**446.250 Lubricants for equipment. (NRS 439.150, 439.200, 446.940)**

1. Equipment with bearings and gears that require unsafe lubricants must be designed and constructed so that the lubricant cannot leak, drip or be forced into food or onto surfaces which may come into contact with food.

2. Safe lubricants must be used on all other equipment with bearings and gears which require lubrication or on surfaces that may come into contact with food.

**446.255 Tubes for beverages. (NRS 439.150, 439.200, 446.940)** Tubes which convey beverages or ingredients for beverages to the head of a dispenser may not touch stored ice that is intended for use as food.

**446.260 Cleaning of equipment fixed in place. (NRS 439.150, 439.200, 446.940)**

1. Equipment intended for cleaning in place must be designed and fabricated so that:
  - (a) Solutions for cleaning and sanitizing can be circulated through a fixed system using an effective cleaning and sanitizing regimen;
  - (b) Solutions for cleaning and sanitizing will contact all interior surfaces which come in contact with food; and
  - (c) The system drains automatically or can be completely evacuated.
2. Equipment which is fixed in place and which must be cleaned and sanitized by using a pressure spray must have electrical wiring, switches and connections which are sealed.
3. Equipment which is fixed in place and not designed to be disassembled for cleaning must be designed with points that allow access to ensure that all interior surfaces which may come into contact with food are being cleaned effectively.

**446.265 Indicating thermometers for food; devices for measuring food temperature. (NRS 439.150, 439.200, 446.940)**

1. Indicating thermometers for food must:
  - (a) Have a metal stem;
  - (b) Be numerically scaled;
  - (c) Be calibrated in accordance with the manufacturer's specifications to ensure their accuracy; and
  - (d) Be accurate to plus or minus 2°F.

2. Devices for measuring food temperature must not have sensors or stems constructed of glass, unless they are encased in a shatterproof coating.

**446.270 Hoods for ventilation; filters for grease. (NRS 439.150, 439.200, 446.940)**

1. Hoods and devices for ventilation must prevent grease or condensation from collecting on walls and ceilings, or from dripping into food or onto surfaces which come in contact with food.

2. Filters or other equipment used to extract grease must be easy to remove for cleaning and replacement if not designed to be cleaned in place.

**446.280 Location of equipment. (NRS 439.150, 439.200, 446.940)**

1. Equipment, including ice makers and equipment for storing ice, may not be located under exposed or unprotected sewer lines or waterlines, open stairwells or other sources of contamination.

2. The requirement of subsection 1 does not apply to automatic sprinklers required by law.

**446.285 Equipment mounted on table or counter. (NRS 439.150, 439.200, 446.940)**

1. Equipment mounted on a table or counter, unless portable, must be sealed to the table or counter or elevated on legs with a clearance of at least 4 inches (10 centimeters) between the table or counter and the equipment. The equipment must be installed to facilitate the cleaning of the equipment and adjacent areas.

2. For the purposes of this section, equipment is portable if:

(a) It weighs 30 pounds (14 kilograms) or less and is mounted on casters, gliders or rollers, or is equipped with a mechanical system that requires no more than 30 pounds (14 kilograms) of force to safely tilt it; and

(b) It has no utility connection, has a utility connection that disconnects quickly or has a flexible utility connection of sufficient length to permit the equipment to be moved for easy cleaning.

**446.290 Equipment mounted on floor. (NRS 439.150, 439.200, 446.940)**

1. Equipment which is mounted on the floor, unless it can be moved easily, must be:

(a) Sealed to the floor;

(b) Installed on a raised platform of concrete or other smooth masonry in a way that meets all the requirements for sealing and clearance; or

(c) Elevated on legs with a clearance of at least 6 inches (15 centimeters) between the floor and the equipment, except that mixers which are vertically mounted may be elevated to allow a clearance of at least 4 inches (10 centimeters) between the floor and the mixer if no part of the floor under the mixer is more than 6 inches (15 centimeters) from access for cleaning.

2. Equipment mounted on the floor is considered to be easy to move if:

(a) It is mounted on wheels or casters; and

(b) It has no utility connection, has a utility connection that disconnects quickly or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.

**446.295 Spaces between equipment. (NRS 439.150, 439.200, 446.940)**

1. Unless sufficient space is provided for easy cleaning between, behind and above each unit of equipment which is fixed in place, the space between it and adjoining equipment and adjacent walls or the ceiling must not be more than one thirty-second of an inch. If exposed to seepage, the equipment must be sealed to the adjoining equipment or adjacent walls or ceilings.

2. Aisles and working spaces between equipment and walls must be unobstructed and of sufficient width to permit employees to perform their duties without contaminating the food or

surfaces which come in contact with food. All storage equipment which can be moved easily, such as pallets, racks and dollies, must be positioned to provide accessibility to working areas.

**446.300 Cleaning tableware, kitchenware, utensils and other equipment. (NRS 439.150, 439.200, 446.940)**

1. Tableware must be washed, rinsed and sanitized after each use.
2. Kitchenware and surfaces which come in contact with food must be washed, rinsed and sanitized:
  - (a) After each use;
  - (b) Following any interruption of operations during which contamination may have occurred;and
  - (c) If contamination is observed or suspected.
3. Utensils and tethers for utensils used by customers in retail stores must be cleaned and sanitized at least daily or at more frequent intervals as required for the type of food or because of the accumulation of food particles.
4. Product modules, lids and other equipment must be cleaned:
  - (a) Before they are restocked;
  - (b) If they are soiled; or
  - (c) At periodic intervals, depending upon the type of food and the accumulation of food particles.

**446.305 Equipment and utensils used to prepare potentially hazardous foods. (NRS 439.150, 439.200, 446.940)** Where equipment and utensils are used for preparing potentially hazardous foods on a continuous basis or in a production line, the utensils and the surfaces of the equipment which come in contact with food must be washed, rinsed and sanitized at intervals



throughout the day according to a schedule based on the temperature of the food, the type of food and the amount of accumulated particles of food.

**446.310 Cleaning of grills. (NRS 439.150, 439.200, 446.940)**

1. The surfaces of grills, griddles and similar cooking devices and the cavities and seals around the doors of microwave ovens which come in contact with food must be cleaned at least once a day. This requirement does not apply to hot oil cooking equipment and hot oil filtering systems.

2. The surfaces of all cooking equipment coming in contact with food must be kept free of encrusted deposits of grease and other accumulated soil.

**446.315 Cleaning of equipment which does not contact food. (NRS 439.150, 439.200, 446.940)** Surfaces of equipment which do not come in contact with food must be cleaned as often as necessary to keep the equipment free of accumulated dust, dirt, particles of food and other debris.

**446.320 Cloths used to wipe up food. (NRS 439.150, 439.200, 446.940)**

1. Cloths to be used by cooks for wiping up food spilled on tableware, such as a plate or bowl containing food for a customer, must be clean, dry and used for no other purpose.

2. Moist cloths used for wiping up food spilled on kitchenware and surfaces of equipment which come in contact with food and for cleaning surfaces of equipment which do not come in contact with food, such as counters, serving trays, tops of dining tables and shelves, must be clean and rinsed frequently in a sanitizing solution as specified in subsection 4 of NAC 446.330. Such cloths must be used for no other purpose and must be stored in the sanitizing solution between uses.

**446.325 Washing of utensils and equipment. (NRS 439.150, 439.200, 446.940)**

1. For the manual washing, rinsing and sanitizing of utensils and equipment, a sink having at least three compartments and two integral drain boards of similar material that are each self-draining and of adequate size for the proper handling of soiled utensils and equipment before cleaning and for cleaned utensils following sanitizing must be used. The compartments of the sink must be large enough to accommodate the equipment and utensils, and all junctures within the compartments must be covered for easy cleaning. Each compartment must be supplied with hot and cold potable running water.

2. Fixed equipment and utensils which are too large to be cleaned in a sink must be washed manually or cleaned by using a pressurized spray. When a pressurized spray is used, the equipment must be disassembled as necessary to allow access of the pressurized spray to all parts and surfaces which must be cleaned.

3. Equipment and utensils must be preflushed or prescraped and, if necessary, presoaked to remove gross particles of food and other soil.

**446.330 Sequence of manual washing. (NRS 439.150, 439.200, 446.940)** Except for equipment which is fixed in place and utensils too large to be cleaned in a sink, manual washing, rinsing and sanitizing must be conducted in the following sequence:

1. Sinks must be cleaned before use.
2. Equipment and utensils must be thoroughly washed in the first compartment with a detergent solution at a temperature of 110°F (43°C) or more that is changed frequently.
3. Equipment and utensils must be rinsed free of detergent and abrasives with clean water in the second compartment.
4. Equipment and utensils must be sanitized in the third compartment according to one of the following methods:

(a) Immersion for at least 1/2 minute in clean hot water at a temperature of at least 170°F (77°C).

(b) Immersion for at least 1 minute in a clean solution containing at least 50 parts per million (ppm) of available chlorine as a hypochlorite, at a temperature of at least 75°F (24°C).

Equipment and utensils must be in contact with a chlorine solution at least 10 seconds if one of the following combinations of pH, water temperature and concentration of free available chlorine is used:

Minimum Temperature	Concentration	
F. (C.)	pH 8.0 or less	pH 8.1-10.0
120° (48.9°)	25 ppm	25 ppm
100° (39.4°)	50	50
75° (23.9°)	50	100
55° (12.8°)	100	100

(c) Immersion for at least 1 minute in a clean solution containing at least 12.5 parts per million (ppm) of available iodine and having a pH not higher than 5.0, at a temperature of at least 75°F (24°C).

(d) Immersion of 1 minute in a clean solution containing any other agent used for sanitizing which is approved by the health authority and provides the equivalent bactericidal effect of a solution containing at least 50 parts per million (ppm) of available chlorine as a hypochlorite, at

a temperature of at least 75°F (24°C). For example, quaternary ammonium compounds must be at the concentration which is indicated by the manufacturer's instructions on the label. However, these compounds must be used only in water with 500 parts per million (ppm) hardness or less.

(e) Treatment with steam which is free from materials or additives other than those approved by the health authority for equipment which is too large to sanitize by immersion, but in which steam can be confined.

(f) Rinsing, spraying or swabbing with a sanitizing solution of at least twice the strength required for that particular sanitizing solution as listed in this section for equipment which is too large to sanitize by immersion, and then rinsing, spraying or swabbing with clean water.

**446.335 Facilities for sanitizing equipment using hot water. (NRS 439.150, 439.200, 446.940)** When hot water is used for sanitizing, the following facilities must be used:

1. A device or fixture for heating which is installed in, on or under the sanitizing compartment of the sink and is capable of maintaining the water at a temperature of at least 170°F (77°C).
2. An indicating thermometer which is numerically scaled and accurate to plus or minus 2°F (1°C) and is convenient for frequent checks of the temperature of the water.
3. Dish baskets of a size and design which permit the complete immersion of the tableware, kitchenware and equipment.

**446.340 Chemicals for sanitizing equipment. (NRS 439.150, 439.200, 446.940)**

1. If chemicals are used for sanitizing equipment and utensils, they must not have concentrations higher than the maximum permitted by the health authority.
2. A kit for testing or other device that accurately measures the concentration of the solution in parts per million must be used.

**446.345 Dishwashing machines: General requirements. (NRS 439.150, 439.200, 446.940)**

1. Cleaning and sanitizing may be done by dishwashing machines which spray or immerse the dishes or by any other type of machine or device if the machine or device thoroughly cleans and sanitizes the equipment and utensils. These machines and devices must be properly installed and maintained in good repair.

2. Machines and devices must be operated in accordance with the manufacturer's instructions.

3. Utensils and equipment placed in the machine or device must be exposed to all dishwashing cycles.

4. Dispensers of automatic detergents, wetting agents and liquid sanitizers must be properly installed, operated and maintained.

5. The pressure of the water used for the final rinse in dishwashing machines may not be less than 15 nor more than 25 pounds per square inch, measured in the waterline immediately adjacent to the valve that controls the final rinse. A 1/4-inch (6.35 millimeters) internal pipe size valve and pressure gauge mounted in the valve must be used immediately upstream from the valve that controls the final rinse to permit a check of the pressure of the flow of the water. The pressure gauge must have an accuracy of plus or minus 2 pounds per square inch in the 15 to 25 pounds per square inch use range. The provisions of this subsection do not apply to pumped or recirculated rinse.

6. An indicating thermometer which is numerically scaled, mounted in the machine or at the waterline and accurate to plus or minus 2°F (1°C) must be used to indicate the temperature of the

water in each tank of the machine and the temperature of the water used for the final rinse as it enters the manifold.

7. Tanks for water used to rinse the dishes must be protected by baffles, curtains or other effective means to minimize the entry of the water used to wash the dishes. Conveyors in dishwashing machines must be accurately timed to ensure proper exposure in all cycles in accordance with the manufacturer's specifications.

8. Integral drain boards of an adequate size that are self-draining must be used for the proper handling of soiled utensils before washing and of clean utensils following sanitization and must be located and constructed so that they do not interfere with the proper use of the dishwashing facilities.

9. Equipment and utensils must be flushed or scraped and, if necessary, soaked to remove gross particles of food and other soil before being washed in a dishwashing machine unless the machine has a prewash cycle. Equipment and utensils must be placed in racks, trays, baskets or on conveyors so that surfaces coming in contact with food are exposed to the unobstructed application of detergent and clean water.

10. Equipment and utensils must drain freely.

11. Dishwashing machines and devices must have an easily accessible and readable plate that is affixed to the machine by the manufacturer and indicates the machine's design and operating specifications. All dishwashing machines must conform to the manufacturer's specifications.

**446.350 Dishwashing machines: Use of chemicals. (NRS 439.150, 439.200, 446.940)**

Dishwashing machines that use chemicals for sanitization may be used if:

1. The temperature of the water used for washing is not less than 120°F (49°C);

2. The water used for washing is kept clean;
3. The chemicals added for sanitization are automatically dispensed;
4. Utensils and equipment are exposed to the final rinse in accordance with the manufacturer's specifications for time and concentration;
5. The temperature of the water used for rinsing is not less than 120°F (49°C) or less than the temperature specified by the manufacturer of the machine;
6. The chemicals used meet the requirements of the health authority; and
7. A kit for testing or other device that accurately measures the concentration of the solution in parts per million is available and is used.

**446.355 Dishwashing machines: Use of hot water. (NRS 439.150, 439.200, 446.940)**

Dishwashing machines using hot water for sanitizing may be used if the water used for washing and the water used for rinsing is kept clean and is maintained at not less than the following temperatures:

1. Machines with a single tank, stationary rack and a dual washing temperature:
 

Temperature for washing	150°F (66°C)
Temperature for final rinse	180°F (82°C)
2. Machines with a single tank, stationary rack and a single washing temperature:
 

Temperature for washing	165°F (74°C)
Temperature for final rinse	165°F (74°C)
3. Machines with a single tank and a conveyor:
 

Temperature for washing	160°F (71°C)
Temperature for final rinse	180°F (82°C)
4. Machines with multiple tanks and a conveyor:

Temperature for washing	150°F (66°C)
Temperature for pumped rinse	160°F (71°C)
Temperature for final rinse	180°F (82°C)

5. Machines used to wash pots, pans and utensils having a single tank and a stationary or moving rack:

Temperature for washing	140°F (60°C)
Temperature for final rinse	180°F (82°C)

**446.360 Dishwashing machines: Cleaning of machines. (NRS 439.150, 439.200, 446.940)** All dishwashing machines, including food screens, spray arms and flaps, must be cleaned thoroughly at the end of each 8-hour shift or when necessary to maintain them in a satisfactory operating condition.

**446.365 Equipment and utensils required to be dried with air. (NRS 439.150, 439.200, 446.940)** After sanitization, all equipment and utensils must be dried with air.

**446.370 Handling of equipment and utensils after cleaning. (NRS 439.150, 439.200, 446.940)**

1. Equipment and utensils which have been cleaned and sanitized must be handled in a way that protects them from contamination.
2. Spoons, knives and forks must be touched only by their handles.
3. Cups, glasses, bowls, plates and similar items must be handled without contact with their inside surfaces or surfaces that contact the user's mouth.
4. Utensils that have been dried with air may be polished with cloths that are kept clean and dry.



**446.375 Storage of sanitized utensils and equipment. (NRS 439.150, 439.200, 446.940)**

1. Cleaned and sanitized utensils and equipment must be stored at least 6 inches (15 centimeters) above the floor in a clean, dry location in a way that protects them from contamination. The surfaces of fixed equipment which may come into contact with food must also be protected from contamination. Equipment and utensils must not be placed under exposed sewer lines or waterlines, unless the lines are automatic sprinklers required by law.

2. Glasses and cups must be stored inverted on a nonabsorbent, cleanable surface. Other stored utensils must be covered or inverted, wherever practical.

3. Facilities for the storage of knives, forks and spoons must be designed and used to present the handle of the utensils to the employee or the customer. Unless tableware is prewrapped, holders for knives, forks and spoons at locations where customers serve themselves must protect these articles from contamination and present the handle of the utensil to the customer.

**446.385 Handling and storage of articles designed for single use. (NRS 439.150, 439.200, 446.940)**

1. Articles designed for a single use must be handled and dispensed in a manner that prevents the contamination of surfaces which may come into contact with food or with the mouth of the user.

2. Knives, forks and spoons packaged in bulk and designed for a single use must be inserted into holders or be wrapped by an employee who has washed his hands immediately before sorting or wrapping the utensils. Unless knives, forks and spoons designed for a single use are prewrapped or prepackaged, holders must be provided which protect these items from contamination and present the handle of the utensil to the customer.

3. The storage of equipment, utensils or articles designed for a single use in rooms with toilets or their vestibules or in rooms containing garbage or mechanical fixtures is prohibited.

4. Articles designed for single use must be stored at least 6 inches (15 centimeters) above the floor in closed cartons or containers which protect them from contamination. They may not be placed or stored under exposed sewer lines or waterlines, unless the lines are automatic sprinklers required by law.

**446.390 Articles for single use required when cleaning facilities not available. (NRS 439.150, 439.200, 446.940)** If adequate and effective facilities for cleaning and sanitizing utensils are not available, only articles designed for a single use may be used.

**446.405 Water under pressure; system for hot water. (NRS 439.150, 439.200, 446.940)** Water which is under pressure and maintained at the required temperature must be provided to all fixtures and equipment that use water. The system that generates and distributes hot water must be capable of meeting the demands of the entire food establishment at all times.

**446.475 Establishment required to be kept free of litter. (NRS 439.150, 439.200, 446.940)**

1. A food establishment and all property used in connection with its operation must be kept free of litter.

2. The walking and driving surfaces of all exterior areas of food establishments must be covered with concrete, asphalt, gravel or similar material which is effectively treated to facilitate maintenance, minimize dust and prevent muddy conditions. These surfaces must be graded to prevent pooling and must be kept free of litter.

**446.480 Use of measures to minimize or eliminate presence of insects and rodents required. (NRS 439.150, 439.200, 446.940)** Effective measures to minimize the presence of

rodents, flies, cockroaches and other insects on the premises, including routine inspections to detect the presence of such specimens, must be utilized. The premises, including the contiguous land or property under the control of the holder of the permit for the operation of the food establishment, must be kept in a condition designed to prevent or eliminate the harboring or feeding of insects or rodents.

**446.485 Protection of openings to outside. (NRS 439.150, 439.200, 446.940)**

1. Openings to the outside must be effectively protected against the effects of the weather and the entrance of rodents and insects by the use of doors which fit tightly and close automatically, closed windows, screens, controlled air currents, air curtains or other means approved by the health authority.

2. Doors with screens must close automatically and screens for windows, doors, skylights, transoms, intake and exhaust air ducts and other openings to the outside must fit tightly and be free of breaks.

3. Material for screens may not be less than 16 mesh to the inch.

**446.490 Use of pesticides, rodenticides and insecticides. (NRS 439.150, 439.200, 446.940)**

1. Only pesticides and rodenticides approved by the State Department of Agriculture for use in a food establishment may be used.

2. If a general-use pesticide is used:

(a) Automatic spray dispensers must be installed pursuant to the manufacturer's instructions, but in no case directly above food, and at least 15 lineal feet (4.57 meters) from any packaged or unpackaged food or any surface which may come into contact with food or utensils.

(b) The active material dispensed through the automatic spray dispenser must be limited to pyrethrins, piperonyl butoxide and MGK-264 (N-octylbicycloheptene dicarboximide).

(c) The pesticide may not be applied as a component of paint in an area where food is exposed or an area which is subject to drips, drains or splashes.

(d) A “bait station” must be:

(1) Covered;

(2) Designed so that it cannot be tampered with; or

(3) If open, maintained so that the pesticide is kept within the station.

(e) A tracking powder may not be used.

3. If a restricted-use pesticide is used, it must be applied by a certified applicator pursuant to the applicable law.

4. An operator of a food establishment who engages in the regular application of insecticide or pesticide at the establishment after September 16, 1992, must submit a plan for application to the health authority. The plan must be approved by the health authority and include:

(a) The name of the applicator, if the operator contracts for such services;

(b) The names and purposes of the chemicals to be used;

(c) The dates or frequency that the chemicals will be used;

(d) The method or methods to be used for the protection of food, equipment and persons; and

(e) The method to be used for cleaning the establishment after the application of the insecticide or pesticide.

↪ Any changes to such a plan must be submitted to the health authority before another application may occur.

**446.500 Height of ceilings. (NRS 439.150, 439.200, 446.940)** Ceilings may not be less than 8 feet (240 centimeters) high in food establishments.

**446.505 Floors flushed with water for cleaning. (NRS 439.150, 439.200, 446.940)**  
Drains with traps must be used in floors that are flushed with water for cleaning or that receive discharges of water or other fluid waste from equipment, or in areas where a pressure spray is used for cleaning equipment. Such floors must be constructed only of sealed concrete, terrazzo, ceramic tile or similar materials, and must be graded to drain.

**446.510 Mats and duckboards. (NRS 439.150, 439.200, 446.940)**

1. Mats and duckboards must be made of nonabsorbent materials which are resistant to grease, easy to clean and designed to be removable for easy cleaning.
2. Duckboards may not be used as storage racks.

**446.515 Junctures between walls and floors. (NRS 439.150, 439.200, 446.940)** In all new or extensively remodeled establishments with floors made of concrete, terrazzo, ceramic tile or similar materials that are cleaned by being flushed with water, the junctures between the walls and the floors must be coved with a minimum radius of one-half inch (12.7 millimeters) and sealed. In all other cases, the junctures between walls and floors must not present an open seam of more than one thirty-second of an inch (0.79 millimeters) around coving materials.

**446.520 Utility lines and pipes. (NRS 439.150, 439.200, 446.940)**

1. Utility lines and pipes which are exposed must not obstruct or prevent the cleaning of the floor. In all new or extensively remodeled establishments, the installation of horizontal utility lines and pipes on the floor is prohibited. In existing establishments, they are prohibited if they present a safety hazard or if they prevent the floor from being cleaned properly.

2. Utility lines and pipes which are exposed must not obstruct or prevent the cleaning of the walls and ceilings. Utility lines and pipes must not be unnecessarily exposed on the walls or ceilings of refrigerators, areas used for preparing food or washing equipment and utensils, and rooms with toilets and vestibules. Utility lines and pipes must, as is reasonably possible, be located inside walls and floors.

**446.525 Closures required to be in good repair. (NRS 439.150, 439.200, 446.940)**

Walls, ceilings, doors, windows, skylights and similar closures must be maintained in good repair.

**446.530 Walls and ceilings. (NRS 439.150, 439.200, 446.940)** The walls, nonsupporting partitions, coverings for walls, the ceilings of walk-in refrigerators or freezers, areas used for preparing food or washing equipment and utensils, and rooms with toilets and vestibules must be light-colored, smooth, nonabsorbent, durable and easy to clean. The health authority may authorize a limited amount of texture for the walls. The walls and ceilings of walk-in refrigerators in all new establishments must be coved at all junctures and constructed of sheet metal made out of aluminum or stainless steel, plastic, tile or other impervious materials. Blocks made of concrete or pumice which are used for the construction of walls in these locations must have a smooth finish with no roughness, projections, pits, seams or texture, and must be sealed to provide a surface which is easy to clean.

**446.535 Studs, joists and rafters. (NRS 439.150, 439.200, 446.940)** Studs, joists and rafters may not be exposed in refrigerators, areas used for preparing food or washing equipment and utensils, and rooms with toilets and vestibules. If exposed in other rooms or areas, they must be finished to provide surfaces which are easy to clean.

**446.545 Equipment attached to walls or ceilings. (NRS 439.150, 439.200, 446.940)**

Light fixtures, covers for vents, fans mounted on walls or ceilings, decorative materials and similar equipment attached to walls or ceilings must be easy to clean and must be maintained in good repair.

**446.555 Cleaning of floors and walls. (NRS 439.150, 439.200, 446.940)**

1. Floors and walls must be cleaned when the least amount of food is exposed, such as after closing or between meals, except in an emergency.
2. Floors, mats, duckboards, walls, ceilings, attached equipment and decorative materials must be kept clean.
3. Only methods of cleaning floors and walls which inhibit dust may be used, such as vacuum cleaning, wet cleaning or the use of sweeping compounds.
4. In new or extensively remodeled establishments, at least one sink for cleaning or a curbed cleaning facility with a drain in the floor must be used for the cleaning of mops or similar tools used to clean wet floors and for the disposal of water used for mopping or similar liquid wastes. Lavatories or sinks normally used for preparing food or washing utensils or equipment may not be used for this purpose.

**446.560 Artificial sources of light. (NRS 439.150, 439.200, 446.940)**

1. Artificial sources of light which are permanently fixed must be installed to provide at least 50 foot-candles of light on all surfaces used for preparing food and at work levels used to wash equipment or utensils.
2. Artificial sources of light which are permanently fixed must be installed to provide at a distance of 30 inches (75 centimeters) from the floor:

(a) At least 20 foot-candles of light in areas used to store equipment and utensils, in sales areas and in lavatories and rooms with toilets; and

(b) At least 20 foot-candles of light for cleaning in refrigerators, areas used to store dry food and in all other areas, including dining areas.

**446.565 Shatterproof light bulbs or shields for lighting fixtures required. (NRS 439.150, 439.200, 446.940)** Coated, shatterproof light bulbs or shielding designed to prevent broken glass from falling onto unpackaged food must be used for all artificial lighting fixtures which are located over, by or within facilities used for the storage, preparation, service and display of food, for cleaning and storing utensils, equipment and linens, or for storing unwrapped articles designed for a single service or single use.

**446.570 Lamps used for heat. (NRS 439.150, 439.200, 446.940)** Infrared or other lamps used for heat must be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

**446.575 Ventilation. (NRS 439.150, 439.200, 446.940)**

1. All rooms must have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems must not, when vented to the outside, create an unsightly or harmful discharge.

2. Intake and exhaust air ducts must be designed and maintained to prevent dust, dirt and other materials from contaminating food, utensils and equipment.

3. In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors or fumes originate must be mechanically vented to the outside.

**446.580 Dressing and locker rooms. (NRS 439.150, 439.200, 446.940)**



1. If employees routinely change clothes in the establishment, rooms or areas must be designated and used for that purpose. These designated rooms or areas may not be used for the preparation, storage or service of food or for washing or storing utensils.

2. Enough lockers or other suitable facilities must be used for the orderly storage of the employees' clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or in rooms or areas used to store only packaged articles designed for a single use.

**446.585 Poisonous or toxic materials. (NRS 439.150, 439.200, 446.940)**

1. Except as otherwise provided in this subsection, only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils and controlling insects and rodents may be present in food establishments. Packaged poisonous or toxic materials that are offered for retail sale and employees' items for personal use may be present in food establishments.

2. Containers of poisonous or toxic materials which are in use, and any of the employees' items for personal use which have been stored at the establishment, must be prominently and distinctly labeled for easy identification of contents.

3. Poisonous or toxic materials and any of the employees' items for personal use may not be used or stored in a way that contaminates food, equipment or utensils, constitutes a hazard to employees or other persons, or other than in full compliance with the manufacturer's labeling.

4. Poisonous or toxic materials consist of the following categories:

(a) Insecticides and rodenticides; and

(b) Detergents, sanitizers, related cleaning or drying agents, caustics, acids, polishes and other chemicals.

5. Each category of poisonous or toxic materials must be stored separately. All poisonous or toxic materials must be stored in cabinets used for no other purpose and, when displayed for retail sale, must be separated by spacing, dividers or partitioning from food and articles designed for a single use. Poisonous or toxic materials must not be stored above food, equipment used with food, utensils or articles designed for a single use, except that detergents or sanitizers may be conveniently placed by stations for washing dishes or utensils.

6. A food container may not be used to store, transport or dispense poisonous or toxic materials.

7. Original containers of poisonous or toxic materials must bear a legible manufacturer's label.

8. A container previously used to store poisonous or toxic materials may not be used to store, transport or dispense food.

**446.595 Medications; first-aid supplies. (NRS 439.150, 439.200, 446.940)**

1. Except as otherwise provided in this section, personal medications may not be stored in areas used for the storage, preparation or service of food. The health authority may approve the storage of a medication in a refrigerator that is used for the storage of food if:

- (a) The medication requires refrigeration;
- (b) The medication is kept in a covered and locked container that does not leak and to which only the user of the medication has a key;
- (c) The container is labeled as a medication for an employee's use; and
- (d) The container is stored on the lowest shelf of the refrigerator.

2. First-aid supplies must be stored in a way that prevents them from contaminating food and surfaces which come in contact with food.

**446.600 Articles stored on premises. (NRS 439.150, 439.200, 446.940)**

1. Only those articles which are necessary for the operation and maintenance of the establishment may be stored on the premises.
2. Equipment that is no longer in use because it is nonfunctional or irreparable may not be stored on the premises.

**446.605 Restriction of persons in areas for preparing food or washing utensils. (NRS 439.150, 439.200, 446.940)** Unauthorized persons, including infants and toddlers, may not pass through or otherwise be present in the areas used for preparing food or washing utensils.

**446.610 Establishments required to be separate entities. (NRS 439.150, 439.200, 446.940)**

1. No establishment may be operated in any room used as living or sleeping quarters.
2. The serving or selling of food must be separated from any living or sleeping quarters by a complete partition and by solid doors which close automatically.

**446.615 Laundry. (NRS 439.150, 439.200, 446.940)**

1. Laundering in a food establishment is restricted to the washing and drying of linens, cloths, uniforms and aprons which are necessary to the operation of the establishment unless the item does not need to be dried and is used immediately after being laundered. If such items are laundered on the premises, an electric or gas dryer must be used.
2. Laundry facilities must be placed in a separate room except that laundering may be conducted in storage rooms containing only packaged foods or packaged articles intended for a single use. These facilities must be properly vented.
3. Clean clothes and linens must be stored not less than 6 inches (15.24 centimeters) above the floor in a clean place and protected from contamination until used.

4. Soiled clothes and linens must be stored in nonabsorbent containers or washable bags until removed for laundering and must be stored to prevent contamination of food and equipment and utensils used in the preparation of food. A container or bag used to hold soiled clothes and linens must be so marked by letters that are not less than 2 inches (5 centimeters) high and of a contrasting color with the background.

5. Except as otherwise provided in this subsection, soiled clothes, linens or cloths may not be stored in cold storage rooms. The health authority may exempt a food establishment that processes meat, poultry or fish from the requirements of this subsection if the soiled clothes and linens are stored separate from the food.

**446.620 Maintenance and storage of cleaning tools; use of sinks. (NRS 439.150, 439.200, 446.940)**

1. Maintenance and cleaning tools, such as brooms, mops, buckets for mops, vacuum cleaners and similar equipment, must be maintained and stored in a way that does not contaminate food, utensils, equipment or linens and must be stored in an orderly manner.

2. Mops must be cleaned after each use and must be placed in a position and location that allows them to dry with air without soiling walls, equipment or supplies. Water that has been used for mopping must:

- (a) Not be left standing in any area used for preparing food or washing utensils; and
- (b) Must be disposed of properly and immediately after the mopping is completed.

3. Sinks for preparing food, sinks for washing hands and equipment for washing tableware may not be used for cleaning maintenance tools, preparing or holding maintenance materials or dispensing water used to clean a surface or similar liquid wastes.

**446.625 Animals on premises prohibited; exceptions. (NRS 439.150, 439.200, 446.940)**

1. Except as otherwise provided in this section, live animals, including birds and turtles, are not allowed on the premises of a food establishment or on adjacent areas under the control of the holder of the permit for the operation of the food establishment. Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in a display tank may be present on the premises of a food establishment if food, equipment, utensils, linens or unwrapped articles designed for a single service or a single use are not contaminated.

2. Dogs accompanying security or police officers are permitted in offices, storage areas and dining areas. Sentry dogs may be permitted to run loose in outside fenced areas for security reasons. Guide dogs accompanying persons with a visual, aural or physical disability or trainers who are training guide dogs are permitted in dining or sales areas. Such dogs are not allowed on the seats or tables of a food establishment.

3. Food handlers must not care for or handle any pets while on duty.

4. Live or dead fish bait must be stored separately from food or food products in retail stores.

**446.745 Room for cleaning units. (NRS 439.150, 439.200, 446.940)**

1. A room large enough to accommodate a mobile unit, with properly constructed walls, ceiling and floors, and proper ventilation and lighting must be provided at a servicing depot for cleaning the units.

2. Floors must be properly sloped and drains suitably constructed for receiving waste from the mobile unit.

**446.750 Refrigerating or storage areas required to be separate from cleaning areas. (NRS 439.150, 439.200, 446.940)** Areas in a servicing depot for refrigerating or storing food,

beverages, supplies and equipment must be separated by proper partitions from the area used for cleaning mobile units.

**446.755 Hoses and water for washing units. (NRS 439.150, 439.200, 446.940)**

1. There must be a sufficient hose for washing a mobile unit at a servicing depot and a facility to hang the hose to prevent its contamination.

2. There must be a sufficient amount of steam or hot water, at a temperature of at least 170°F (77°C), to sanitize properly the mobile unit and equipment which is not sanitized with chemical disinfectants.

**446.760 Sinks and drain boards. (NRS 439.150, 439.200, 446.940)** A sink with three compartments and integral drain boards that are self-draining, that is constructed of material which will not corrode and is of a sufficient size to accommodate the largest equipment, container or utensil washed therein, and metal racks for drying utensils, containers and equipment must be used at a servicing depot.

**446.765 Vacuum breakers. (NRS 439.150, 439.200, 446.940)**

1. The supply of water at a servicing depot must be equipped with a vacuum breaker.

2. The hose connection used for flushing the waste tank of the mobile unit must be protected with a vacuum breaker.

**446.770 Disposal of liquid waste. (NRS 439.150, 439.200, 446.940)** The tank which retains liquid waste must be thoroughly flushed and drained during servicing. All liquid waste must be discharged into a sanitary system for the disposal of sewerage in accordance with the provisions of NAC 446.395 to 446.450, inclusive.

**446.775 Posting of daily schedule of units. (NRS 439.150, 439.200, 446.940)** A daily schedule of the mobile units which operate from a servicing depot must be posted on the exterior

of the depot. The schedule must reflect the specified routes that the units will cover on any particular day.

**446.821 Application for and form of permit; plan for analyzing the hazards of critical control points. (NRS 439.150, 439.200, 446.875, 446.940)**

1. An applicant for a permit issued pursuant to the provisions of NRS 446.875 must include with his application a description of how the requirements of that section will be met, including a description of a menu for the proposed food establishment. The health authority may require an applicant to include a plan for analyzing the hazards of critical control points. If the food establishment is required to have such a plan, the plan must include:

(a) A categorization of the types of potentially hazardous foods that are specified in the menu, such as soups and sauces, salads and bulk, solid foods, such as meat roasts, and other foods that are specified by the health authority.

(b) A diagram that identifies critical control points for specific foods or categories of food and provides:

(1) The ingredients, materials and equipment used in the preparation of each food or category of food; and

(2) The procedures to ensure that each food or category of food is prepared safely.

(c) A training plan for food handlers and supervisors that addresses issues of safety in the preparation of food.

(d) A statement of standard operating procedures that identifies:

(1) Each critical control point.

(2) Limits for each critical control point.

(3) The method and frequency for monitoring and controlling each critical control point by the employee designated by the person in charge.

(4) The method and frequency for the person in charge to verify routinely that an employee is following standard operating procedures and monitoring critical control points.

(5) Actions to be taken by the person in charge if the limits for each critical control point are not met.

(6) The records required to be maintained by the person in charge to demonstrate that the plan for analyzing the hazards of critical control points is properly operated and managed.

(e) Additional scientific data or other information, as required by the health authority, supporting the determination that the safety of the food served will be ensured.

2. All permits issued by the health authority pursuant to NRS 446.875 must be in writing.

**446.823 Knowledge of provisions of chapter. (NRS 439.150, 439.200, 446.940)** The health authority may require the holder of a permit issued pursuant to the provisions of NRS 446.875, or his designated agent, to demonstrate a knowledge of the provisions of this chapter by:

1. Passing an examination, which may be written or oral; or
2. Completing a course of instruction that has been approved by the health authority.

**446.865 “Vending machine” defined. (NRS 439.200, 446.940)**

1. As used in NAC 446.865 to 446.910, inclusive, unless the context otherwise requires, “vending machine” means any device designed for customers who serve themselves and which, upon the insertion of money or tokens, dispenses unit servings of food, in bulk or in packages, without the necessity of replenishing the device between each vending operation.



2. The term does not include any device which dispenses only nuts, popcorn, ball gum, hard candy, prepackaged candy, cookies, crackers or similar snacks, beverages which are not potentially hazardous food or prepackaged ice.

**446.870 Applicable requirements. (NRS 439.150, 439.200, 446.940)** The sale of food through a vending machine must comply with the provisions of NAC 446.865 to 446.910, inclusive, and all the requirements of NAC 446.050 to 446.625, inclusive, which apply.

**446.875 Milk and nondairy creaming agents. (NRS 439.150, 439.200, 446.940)** Milk and fluid milk products and fluid nondairy products or creaming agents may not be dispensed in vending machines as additional ingredients in hot liquid beverages or other foods.

**446.880 Potentially hazardous food. (NRS 439.150, 439.200, 446.940)**

1. Potentially hazardous food offered for sale through vending machines must be dispensed to the consumer in the individual, original container or package into which it was placed at:

- (a) A food establishment having a permit issued by the health authority; or
- (b) The plant of the manufacturer or processor.

2. Vending machines which dispense potentially hazardous food must be provided with adequate refrigerating or heating units and thermostatic controls which ensure the maintenance of refrigerated foods at a temperature of 40°F (4.44°C) or below and hot foods at a temperature of 140°F (60°C) or above. Such a machine must have automatic controls which, in the event of a power failure, mechanical failure or other condition resulting in unsafe temperatures, prevent it from dispensing potentially hazardous food until it has been serviced by the operator.

3. Potentially hazardous food which fails to conform to the requirements of this section must be removed from the vending machine, rendered unusable for human consumption and properly discarded.

**446.885 Containers for storage of food. (NRS 439.150, 439.200, 446.940)**

1. Nonpressurized containers used for the storage of food sold through vending machines, including water, must be provided with covers which prevent contamination from reaching the interior of the containers. The covers must have a flange which overlaps the opening and must be sloped to provide drainage from the cover wherever the collection of condensation, moisture or splash is possible. Any opening through the cover must be flanged upward at least three-sixteenths of an inch (5 millimeters) and provided with an overlapping cover flanged downward.
2. Aprons which deflect condensation, drips and dust must be provided on all piping, thermometers, equipment, rotary shafts and other functional parts extending into the container unless a watertight joint is provided.

**446.890 Receipt and removal of bulk food. (NRS 439.150, 439.200, 446.940)**

1. The delivery tube or chute and orifice of all vending machines used for the sale of bulk food must be protected from normal manual contact, dust, insects, rodents and other contamination. Such machines must be designed to divert condensation or moisture from the normal filling position of the container which receives the food.
2. The vending stage of such machines must be provided with a door which fits tightly, closes automatically and is kept closed except when food is being removed.

**446.895 Quality and supply of water. (NRS 439.150, 439.200, 446.940)**

1. Water used in vending machines must be potable and from a source which has been approved by the health authority. If used, water filters or other devices used for water conditioning must be of a type which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements must be handled in a sanitary manner.

2. Vending machines directly connected to the water supply must be properly equipped with devices to prevent backflow. These devices must be:

- (a) Approved by the health authority;
- (b) Located to facilitate servicing and maintenance; and
- (c) Inspected and cleaned or replaced annually.

**446.900 Construction of machine. (NRS 439.150, 439.200, 446.940)**

1. All door and panel openings to the spaces of vending machines used for food and container storage must fit tightly and be sealed with gaskets if necessary to prevent the entrance of dust, moisture, insects and rodents.

2. Ventilation openings of vending machines must be covered with screening material that has 16 mesh to the inch or equivalent.

3. Screening material for openings into the condenser units of vending machines must not be less than 8 mesh to the inch. All condenser units must be separated from the food and container storage space and sealed from that space.

4. All vending machines must be constructed to facilitate cleaning under the machine.

**446.905 Materials. (NRS 439.150, 439.200, 446.940)**

1. In postmix soft drink vending machines, copper tubing or other potentially toxic tubing used for water systems must not come into contact with carbonated water.

2. In vending machines in which carbon dioxide is used as a propellant, all devices designed to prevent backflow and all food contact surfaces must be of such a material as to preclude the production of toxic substances which may result from interaction with carbon dioxide or carbonated water.

**446.910 Receptacles for trash. (NRS 439.150, 439.200, 446.940)** Trash receptacles must be provided in the vicinity of each vending machine or group of vending machines, but not within the vending machine. The receptacles must close automatically, must be leak proof, easily cleaned, insect proof and rodent proof, and must be cleaned daily to prevent the attraction of insects and rodents.

**446.960 Food processing establishments: Instruction or training of operator when anaerobic process or result involved. (NRS 439.150, 439.200, 446.940)** If a food processing establishment processes any canned food with a low level of acidity or any other food that involves an anaerobic process or result, the operator of the establishment must complete a certified course of instruction or training that has been approved by the health authority.