

[NAC-446 Revised Date: 8-15]

CHAPTER 446 - FOOD ESTABLISHMENTS

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GENERAL PROVISIONS

NAC 446.010 Definitions. ([NRS 439.200](#), [446.940](#)) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 446.0102](#) to [446.0395](#), inclusive, have the meanings ascribed to them in those sections.

(Supplied in codification; A by Bd. of Health, 10-14-88; 9-16-92; 5-23-96; 10-30-97; R007-04, 4-7-2004; R069-10, 12-18-2013)

NAC 446.0102 “Accessible” defined. ([NRS 439.200](#), [446.940](#)) “Accessible” means:

1. When applied to equipment other than plumbing equipment, fabricated to be exposed for cleaning and inspection using simple tools, including, without limitation, handheld screwdrivers, pliers and open-ended wrenches.
2. When applied to plumbing fixtures, plumbing connections, plumbing appliances or plumbing equipment:

- (a) Having access thereto, but which may require the removal of an access panel, door or similar obstruction; and
- (b) Not blocked by equipment or other barriers.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0103 “Adulterated” defined. ([NRS 439.200](#), [446.940](#)) “Adulterated” has the meaning ascribed to it in 21 U.S.C. § 342.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0105 “Approved” defined. ([NRS 439.200](#), [446.940](#)) “Approved” means acceptable to the health authority based on a determination of conformity with principles, practices and generally recognized standards that protect public health.

(Added to NAC by Bd. of Health, eff. 5-23-96; A by R069-10, 12-18-2013)

NAC 446.0107 “Balut” defined. ([NRS 439.200](#), [446.940](#)) “Balut” means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development, after which it is removed from incubation before hatching.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.011 “Barbecue” defined. ([NRS 439.200](#), [446.940](#)) “Barbecue” means an area or facility at a food establishment, other than the main area for preparing food, that has equipment for cooking food.

(Added to NAC by Bd. of Health, eff. 9-16-92)

NAC 446.0113 “Beverage” defined. ([NRS 439.200](#), [446.940](#)) “Beverage” means a liquid for drinking, including, without limitation, water.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0117 “Bottled drinking water” defined. ([NRS 439.200](#), [446.940](#))

1. “Bottled drinking water” means water that is:

- (a) Sealed in bottles, packages or other containers; and
- (b) Offered for sale for human consumption.

2. The term includes bottled mineral water.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.012 “Bulk food” defined. ([NRS 439.200](#), [446.940](#)) “Bulk food” means processed or unprocessed food in aggregate containers from which quantities desired by the customer are withdrawn by or on behalf of the customer.

(Added to NAC by Bd. of Health, eff. 10-14-88; A by R069-10, 12-18-2013)

NAC 446.0122 “Caterer” defined. ([NRS 439.200](#), [446.940](#)) “Caterer” means an approved food establishment that is capable of serving or preparing food at a location other than its primary location.

(Added to NAC by Bd. of Health, eff. 5-23-96)

NAC 446.01223 “Certification number” defined. ([NRS 439.200](#), [446.940](#)) “Certification number” means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01227 “CIP equipment” and “cleaned-in-place equipment” defined. ([NRS 439.200](#), [446.940](#))

1. “CIP equipment” or “cleaned-in-place equipment” means equipment that is cleaned in place by the circulation or flowing, by mechanical means through a piping system, of a detergent solution, water rinse and sanitizing solution onto or over equipment surfaces that require cleaning, including, without limitation, the method used, in part, to clean and sanitize a frozen dessert machine.

2. The term does not include the cleaning of equipment, including, without limitation, band saws, slicers or mixers that are subjected to in-place manual cleaning without the use of a cleaned-in-place system.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0123 “Comminuted” defined. ([NRS 439.200](#), [446.940](#))

1. “Comminuted” means reduced in size, including, without limitation, by chopping, flaking, grinding or mincing.

2. The term includes:

(a) Fish or meat products that are reduced in size and restructured or reformulated, including, without limitation, gefilte fish, gyros, ground beef and sausage; and

(b) A mixture of two or more types of meat that have been reduced in size and combined, including, without limitation, sausages made from two or more meats.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01235 “Conditional employee” defined. ([NRS 439.200](#), [446.940](#)) “Conditional employee” means a potential food employee to whom a job offer is made:

1. Conditional on his or her responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food; and

2. In compliance with Title I of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12111-12117.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0124 “Consumer” defined. ([NRS 439.200](#), [446.940](#)) “Consumer” means a person who:

1. Is a member of the public;

2. Takes possession of food;

3. Is not functioning in the capacity of an operator of a food establishment or food processing establishment; and

4. Does not offer the food for resale.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01245 “Counter-mounted equipment” defined. ([NRS 439.200](#), [446.940](#)) “Counter-mounted equipment” means equipment that is not portable and is designed to be mounted off the floor on a table, counter or shelf.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0125 “Critical control point” defined. ([NRS 439.200](#), [446.940](#)) “Critical control point” means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

(Added to NAC by Bd. of Health, eff. 5-23-96; A by R069-10, 12-18-2013)

NAC 446.01252 “Critical item” defined. ([NRS 439.200](#), [446.940](#)) “Critical item” means a provision of this chapter that, if not complied with, is more likely than other violations to contribute to food contamination, illness or an environmental health hazard.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01254 “Critical limit” defined. ([NRS 439.200](#), [446.940](#)) “Critical limit” means the maximum or minimum value to which a physical, biological or chemical parameter must be controlled at a critical control point to minimize the risk that an identified food safety hazard may occur.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01256 “Dealer” defined. ([NRS 439.200](#), [446.940](#)) “Dealer” means a person who:

1. Is authorized by a shellfish control authority for the activities of shellstock shipper, shucker-packer, repacker, reshipper or depuration processor of molluscan shellfish according to the provisions of the National Shellfish Sanitation Program;

2. Is engaged in the sale of nursery plant stock; or

3. Is engaged in the distribution of wholesale liquor.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01258 “Disclosure” defined. ([NRS 439.200](#), [446.940](#)) “Disclosure” means a written statement that clearly identifies:

1. The animal-derived foods which are, or can be, ordered raw, undercooked or without otherwise being processed to eliminate pathogens; or

2. Items that contain an ingredient which is raw, undercooked or without otherwise being processed to eliminate pathogens.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0126 “Division” defined. ([NRS 439.200](#), [446.940](#)) “Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.

(Added to NAC by Bd. of Health, eff. 10-30-97)—(Substituted in revision for NAC 446.0146)

NAC 446.0128 “Easily cleanable” defined. ([NRS 439.200](#), [446.940](#)) “Easily cleanable” means the characteristics of a surface that:

1. Allow effective removal of soil by normal cleaning methods;

2. Are dependent on the material, design, construction and installation of the surface; and

3. Vary with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food, based on the surface's approved placement, purpose and use.

(Added to NAC by Bd. of Health, eff. 5-23-96; A by R069-10, 12-18-2013)

NAC 446.01282 "Easily movable" defined. ([NRS 439.200](#), [446.940](#)) "Easily movable" means:

1. Portable, mounted on casters, gliders or rollers, or provided with a mechanical means to safely tilt a unit of equipment for cleaning; and
2. Having no utility connection, having a utility connection that disconnects quickly or having a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and the adjacent area.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01283 "Egg" defined. ([NRS 439.200](#), [446.940](#))

1. "Egg" means the shell egg of avian species, including, without limitation, chicken, duck, goose, guinea, quail, ratites or turkey.

2. The term does not include:

- (a) A balut;
- (b) An egg of a reptile species, including, without limitation, alligator; or
- (c) An egg product.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01284 "Egg product" defined. ([NRS 439.200](#), [446.940](#))

1. "Egg product" means all or a portion of the contents found inside eggs separated from the shell and pasteurized in a food processing establishment, with or without added ingredients, intended for human consumption, including, without limitation, dried, frozen or liquid eggs.

2. The term does not include food which contains eggs only in a relatively small proportion, including, without limitation, cake mixes.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01285 "Employee" defined. ([NRS 439.200](#), [446.940](#)) "Employee" means the permit holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under a contractual agreement or any other person working in a food establishment.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01287 "Equipment" defined. ([NRS 439.200](#), [446.940](#))

1. "Equipment" means an article that is used in the operation of a food establishment, including, without limitation, a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine or warewashing machine.

2. The term does not include any apparatus used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, including, without limitation, hand trucks, forklifts, dollies, pallets, racks and skids.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01288 "Exclude" defined. ([NRS 439.200](#), [446.940](#)) "Exclude" means to prevent a person from:

1. Working as an employee in a food establishment; or
2. Entering a food establishment as an employee.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.013 "Extensively remodeled" defined. ([NRS 439.200](#), [446.940](#)) "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 local building department.

(Added to NAC by Bd. of Health, eff. 10-14-88; A by R069-10, 12-18-2013)

NAC 446.0131 "Farmers' market" defined. ([NRS 439.200](#), [446.940](#)) "Farmers' market" has the meaning ascribed to it in [NRS 244.336](#).

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01315 "Fish" defined. ([NRS 439.200](#), [446.940](#))

1. "Fish" means fresh or saltwater fin-fish, crustaceans and other forms of aquatic life, including, without limitation, alligator, frog, aquatic turtle, jellyfish, sea cucumber and sea urchin and the roe of such animals, other than

birds or mammals, and all mollusks, if such animal life is intended for human consumption.

2. The term includes an edible human food product derived in whole or in part from fish, including, without limitation, fish that have been processed in any manner.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0132 “Food” defined. ([NRS 439.200](#), [446.940](#)) “Food” means any food, drink, confection or beverage, or any component in the preparation or manufacture thereof, which is intended for human consumption and which is stored, being prepared or manufactured, displayed, offered for sale, sold or served in a food establishment.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01325 “Food additive” defined. ([NRS 439.200](#), [446.940](#)) “Food additive” has the meaning ascribed to it in 21 C.F.R. § 170.3(e)(1).

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0134 “Food employee” defined. ([NRS 439.200](#), [446.940](#)) “Food employee” means a person who works with unpackaged food, food equipment or utensils, or food-contact surfaces.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

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

(Added to NAC by Bd. of Health by R007-04, eff. 4-7-2004)

NAC 446.014 “Food processing establishment” defined. ([NRS 439.200](#), [446.940](#)) “Food processing establishment” has the meaning ascribed to it in [NRS 446.035](#) and includes 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.

(Added to NAC by Bd. of Health, eff. 9-16-92; A 5-23-96)

NAC 446.0142 “Foodborne illness” defined. ([NRS 439.200](#), [446.940](#)) “Foodborne illness” means an illness caused by the consumption of contaminated food.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0143 “Food-contact surface” defined. ([NRS 439.200](#), [446.940](#)) “Food-contact surface” means a surface 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 or onto food; or
 - (b) Onto a surface normally in contact with food.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0145 “Game animal” defined. ([NRS 439.200](#), [446.940](#))

1. “Game animal” means an animal, the products of which are food, that is not classified as livestock, sheep, swine, goat, horse, mule or other equine, or as poultry or fish.

2. The term includes mammals, including, without limitation, reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria or muskrat, and nonaquatic reptiles such as land snakes.

3. The term does not include ratites.

(Added to NAC by Bd. of Health, eff. 5-23-96; A by R069-10, 12-18-2013)

NAC 446.01453 “General-use pesticide” defined. ([NRS 439.200](#), [446.940](#)) “General-use pesticide” means a pesticide that is not classified by the United States Environmental Protection Agency for restricted use.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01457 “Handwashing sink” defined. ([NRS 439.200](#), [446.940](#))

1. “Handwashing sink” means a lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands.

2. The term includes an automatic handwashing facility.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01461 “Hazard” defined. ([NRS 439.200](#), [446.940](#)) “Hazard” means a biological, chemical or physical property that may cause an unacceptable consumer health risk.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01463 “Hazard analysis and critical control point plan” and “HACCP plan” defined. ([NRS 439.200](#), [446.940](#)) “Hazard analysis and critical control point plan” or “HACCP plan” means a written document that delineates the formal procedures for following the Hazard Analysis and Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods to include pertinent critical items and critical limits.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01467 “Health authority” defined. ([NRS 439.200](#), [446.940](#)) “Health authority” means the officers and agents of:

1. The Division of Public and Behavioral Health; or

2. The applicable local boards of health.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0147 “Hermetically sealed container” defined. ([NRS 439.200](#), [446.940](#)) “Hermetically sealed container” means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low-acid canned foods, to maintain the commercial sterility of its contents after processing.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01473 “Highly susceptible population” defined. ([NRS 439.200](#), [446.940](#)) “Highly susceptible population” means persons who are more likely than other persons in the general population to experience foodborne illness because those persons:

1. Are immunocompromised, preschool-age children or older adults; and

2. May obtain food at a facility that provides services such as custodial care, health care or assisted living, including, without limitation, a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services, including, without limitation, a senior center.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01477 “Injected” defined. ([NRS 439.200](#), [446.940](#)) “Injected” means manipulating meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat by processes which may be referred to as injecting, pinning or stitch pumping.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0148 “Juice” defined. ([NRS 439.200](#), [446.940](#))

1. “Juice” means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or purée.

2. The term does not include, for purposes of an HACCP plan, liquids, purées or concentrates that are not used as beverages or ingredients of beverages.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01483 “Kitchenware” defined. ([NRS 439.200](#), [446.940](#)) “Kitchenware” means food preparation and storage utensils.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01487 “Linens” defined. ([NRS 439.200](#), [446.940](#)) “Linens” means fabric items, including, without limitation, cloth hampers, cloth napkins, tablecloths, wiping cloths and work garments, including, without limitation, cloth gloves.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0149 “Meat” defined. ([NRS 439.200](#), [446.940](#)) “Meat” means the flesh of animals used as food, including, without limitation, the dressed flesh of cattle, swine, sheep, goats and other edible animals, except fish, poultry and wild game animals.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01493 “mg/L” defined. ([NRS 439.200](#), [446.940](#)) “mg/L” means milligrams per liter, which is the metric equivalent of parts per million (ppm).

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.01497 “Misbranded” defined. ([NRS 439.200](#), [446.940](#)) “Misbranded” has the meaning ascribed to it in [NRS 446.053](#) and [583.355](#).

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.015 “Mobile unit” defined. ([NRS 439.200](#), [446.940](#)) “Mobile unit” means any vehicle operating from an approved servicing 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.

[Bd. of Health, Food Establishments Reg. Art. 1 § 1.1 subsec. 1.1.1, eff. 9-17-82]—(NAC A 9-16-92; 5-23-96; R069-10, 12-18-2013)

NAC 446.0153 “Molluscan shellfish” defined. ([NRS 439.200](#), [446.940](#)) “Molluscan shellfish” means any edible species of fresh or frozen oysters, clams, mussels and scallops, or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0155 “Natural and unprocessed state” defined. ([NRS 439.200](#), [446.940](#)) “Natural and unprocessed state” means that an agricultural product of the soil is not cut, sliced, breached, shelled, canned, cooked, pickled, sealed, packaged, dried, milled, ground or otherwise altered from its original state after being harvested.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0157 “Nonprofit organization” defined. ([NRS 439.200](#), [446.940](#)) “Nonprofit organization” means an entity which:

1. Desires to be eligible for the discounted fee described in [NAC 446.830](#); and
2. Meets the requirements of [chapter 82](#) of NRS or has tax-exempt status recognized by the Internal Revenue Service.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.016 “Ornamental attraction of water” defined. ([NRS 439.200](#), [446.940](#)) “Ornamental attraction of water” means a fountain or similar aesthetic feature filled with water that is used for decorative purposes only.

(Added to NAC by Bd. of Health, eff. 5-23-96; A by R069-10, 12-18-2013)

NAC 446.017 “Packaged” defined. ([NRS 439.200](#), [446.940](#))

1. “Packaged” means bottled, canned, cartoned, securely bagged or securely wrapped, whether such activities are performed in a food establishment or food processing establishment.

2. The term does not include a wrapper, carry-out box or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

(Added to NAC by Bd. of Health, eff. 5-23-96; A by R069-10, 12-18-2013)

NAC 446.019 “Permit” defined. ([NRS 439.200](#), [446.940](#)) “Permit” means the document issued by the health authority that authorizes a person to operate a food establishment.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0195 “Permit holder” defined. ([NRS 439.200](#), [446.940](#)) “Permit holder” means the person who:

1. Is legally responsible for the operation of a food establishment, including, without limitation, the owner, the owner’s agent or another person; and

2. Possesses a valid permit to operate a food establishment.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.020 “Person” defined. ([NRS 439.200](#), [446.940](#)) “Person” means an association, corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

[Bd. of Health, Food Establishments Reg. Art. 1 § 1.1 subsec. 1.1.2, eff. 9-17-82]—(NAC A by R069-10, 12-18-2013)

NAC 446.021 “Person in charge” defined. ([NRS 439.200](#), [446.940](#)) “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.
(Added to NAC by Bd. of Health, eff. 5-23-96)

NAC 446.0215 “Personal care items” defined. ([NRS 439.200](#), [446.940](#))
1. “Personal care items” means items or substances that:
(a) May be poisonous, toxic or a source of contamination; and
(b) Are used to maintain or enhance a person’s health, hygiene or appearance.
2. The term includes, without limitation, medicine, first-aid supplies, cosmetics and toiletries, including toothpaste and mouthwash.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.022 “pH” defined. ([NRS 439.200](#), [446.940](#)) “pH” means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.
(Added to NAC by Bd. of Health, eff. 5-23-96; A by R069-10, 12-18-2013)

NAC 446.0223 “Physical facilities” defined. ([NRS 439.200](#), [446.940](#)) “Physical facilities” means the structure and interior surfaces of a food establishment, including, without limitation, accessories, soap and towel dispensers, attachments, light fixtures and heating or air-conditioning system vents.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0227 “Plumbing fixture” defined. ([NRS 439.200](#), [446.940](#)) “Plumbing fixture” means a receptacle or device that:
1. Is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or
2. Discharges used water, waste materials or sewage directly or indirectly to the drainage system of the premises.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0235 “Poisonous or toxic materials” defined. ([NRS 439.200](#), [446.940](#)) “Poisonous or toxic materials” means substances that are not intended for ingestion and are included in one or more of the following categories:
1. Cleaners and sanitizers, including, without limitation, cleaning and sanitizing agents, and other agents, including, without limitation, caustics, acids, drying agents, polishes and other chemicals.
2. Both restricted- and general-use pesticides, except sanitizers, including, without limitation, substances such as insecticides and rodenticides.
3. Substances necessary for the operation and maintenance of a food establishment or food processing establishment, including, without limitation, nonfood grade lubricants and personal care items that may be deleterious to health.
4. Substances that are not necessary for the operation and maintenance of a food establishment or food processing establishment and are on the premises for retail sale, including, without limitation, petroleum products and paints.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.024 “Portable unit for service of food” defined. ([NRS 439.200](#), [446.940](#)) “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 area for the preparation and service of a limited menu that has been approved by the health authority.
(Added to NAC by Bd. of Health, eff. 5-23-96; A by R069-10, 12-18-2013)

NAC 446.0245 “Potable water” defined. ([NRS 439.200](#), [446.940](#)) “Potable water” means any water from an approved source, including, without limitation, an approved domestic water supply, which:
1. Is bacteriologically safe and otherwise suitable for drinking; and
2. Meets the standards established by the State Environmental Commission pursuant to [NRS 445A.855](#).
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.025 “Potentially hazardous food (time/temperature control for safety food)” defined. ([NRS 439.200](#), [446.940](#))
1. “Potentially hazardous food (time/temperature control for safety food)” means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

2. The term includes:

(a) An animal food that is raw or heat-treated, a plant food that is heat-treated or consists of raw seed sprouts, cut melons or garlic-in-oil mixtures which are not modified in a way that results in mixtures that do not support pathogenic microorganism growth or toxin formation; and

(b) Except as otherwise provided in paragraph (d) of subsection 3, a food that, because of the interaction of its a_w and pH values, is designated as Product Assessment required (PA) in Table A or B:

Table A: Interaction of pH and a_w for Control of Spores in Food Heat-Treated to Destroy Vegetative Cells and Subsequently Packaged			
a_w values	pH values		
	4.6 or less	> 4.6-5.6	> 5.6
≤ 0.92	non-PHF*/ non-TCS food**	non-PHF/ non-TCS food	non-PHF/ non-TCS food
> 0.92-0.95	non-PHF/ non-TCS food	non-PHF/ non-TCS food	PA***
> 0.95	non-PHF/ non-TCS food	PA	PA
* "PHF" means potentially hazardous food ** "TCS food" means time/temperature control for safety food *** "PA" means Product Assessment required			

Table B: Interaction of pH and a_w for Control of Vegetative Cells and Spores in Food not Heat-Treated but not Packaged				
a_w values	pH values			
	< 4.2	4.2-4.6	> 4.6-5.0	> 5.0
< 0.88	non-PHF*/ non-TCS food**	non-PHF/ non-TCS food	non-PHF/ non-TCS food	non-PHF/ non-TCS food
0.88-0.90	non-PHF/ non-TCS food	non-PHF/ non-TCS food	non-PHF/ non-TCS food	PA***
> 0.90-0.92	non-PHF/ non-TCS food	non-PHF/ non-TCS food	PA	PA
> 0.92	non-PHF/ non-TCS food	PA	PA	PA
* "PHF" means potentially hazardous food ** "TCS food" means time/temperature control for safety food *** "PA" means Product Assessment required				

3. The term does not include:

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

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

(c) Food that because of its pH or a_w value, or interaction of its a_w and pH values, is designated as a non-pH or a_w value, or interaction of its a_w and pH values, is designated as a non-PHF/non-TCS food in Table A or B in subsection 2;

(d) A food that is designated as Product Assessment required (PA) in Table A or B in subsection 2 and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded because of:

(1) Intrinsic factors, including added or natural characteristics of the food, including, without limitation, preservatives, antimicrobials, humectants, acidulants or nutrients;

(2) Extrinsic factors, including environmental or operational factors that affect the food, including, without limitation, packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use; or

(3) A combination of intrinsic and extrinsic factors; or

(e) A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with

one or more of paragraphs (a) to (d), inclusive, even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

[Bd. of Health, Food Establishments Reg. Art. 1 § 1.1 subsec. 1.1.3, eff. 9-17-82]—(NAC A 10-14-88; 9-16-92; 5-23-96; R069-10, 12-18-2013)

NAC 446.0253 “Poultry” defined. ([NRS 439.200](#), [446.940](#)) “Poultry” means any:

1. Domesticated bird, including chickens, turkeys, ducks, geese, guineas, ratites or squabs, whether live or dead; and
2. Migratory waterfowl or game bird, including pheasant, partridge, quail, grouse or pigeon, whether live or dead.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0257 “Premises” defined. ([NRS 439.200](#), [446.940](#)) “Premises” means:

1. The physical facility, its contents and the contiguous land or property under the control of the permit holder; or
2. The physical facility, its contents and the land or property not described in subsection 1 if:
 - (a) The facility and its contents are under the control of the permit holder and may impact the personnel, facilities or operations of a food establishment; and
 - (b) The food establishment is only one component of a larger operation, including, without limitation, a health care facility, hotel, motel, school, recreational camp or prison.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.026 “Primal cut” defined. ([NRS 439.200](#), [446.940](#)) “Primal cut” means a basic major cut into which carcasses and sides of meat are separated, including, without limitation, a beef round, pork loin, lamb flank or veal breast.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0263 “Produce” defined. ([NRS 439.200](#), [446.940](#)) “Produce” means any whole, fresh fruit or vegetable in its natural or unprocessed state.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0265 “Produce stand” defined. ([NRS 439.200](#), [446.940](#)) “Produce stand” means a food operation that sells, offers for sale or gives away produce.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0267 “Producer” defined. ([NRS 439.200](#), [446.940](#)) “Producer” means a person who produces fruit, nuts or vegetables by the practice of the agricultural arts upon the land that the person owns or controls, or both.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 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.

(Added to NAC by Bd. of Health, eff. 10-14-88)

NAC 446.0273 “Ratite” defined. ([NRS 439.200](#), [446.940](#)) “Ratite” means a flightless bird, including, without limitation, an emu, ostrich or rhea.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0275 “Ready-to-eat food” defined. ([NRS 439.200](#), [446.940](#))

1. “Ready-to-eat food” means food which is in a form that is ready for immediate consumption or reasonably expected to be consumed in that form at the point of sale or which is edible without additional preparation to achieve food safety. Such food may be raw, cooked, hot or chilled, and may be consumed without further heat-treatment, including, without limitation, reheating.

2. The term includes:

(a) Raw animal food that is cooked as specified in this chapter and posted with the required disclosure and reminder statement.

(b) All potentially hazardous food (time/temperature control for safety food) that is unpackaged and cooked to the temperature and time required for that specific food.

(c) Raw fruits and vegetables that are thoroughly washed in water to remove soil and other visible contaminants before being cut, combined with other ingredients, cooked, served or offered for human consumption in ready-to-eat form.

(d) Fruits and vegetables that are cooked for hot holding.

(e) Plant food for which further washing, cooking or other processing is not required for food safety, and from which

rinds, peels, husks or shells, if naturally present, are removed.

(f) Substances derived from plants, including, without limitation, spices, seasonings and sugar.

(g) Bakery items, including, without limitation, bread, cakes, pies, fillings or icing for which further cooking is not required for food safety.

(h) The following products that are produced in accordance with guidelines established by the United States Department of Agriculture and have received a lethality treatment for pathogens:

(1) Dry, fermented sausages, including, without limitation, dry salami or pepperoni;

(2) Salt-cured meat and poultry products, including, without limitation, prosciutto ham, country-cured ham and Parma ham;

(3) Dried meat and poultry products, including, without limitation, jerky or beef sticks; and

(4) Thermally processed low-acid foods packaged in hermetically sealed containers.

3. The term does not include:

(a) Prepackaged food which does not require cooking or which will be cooked by the consumer in the package, or both, and regarding which the package prevents bare-hand contact with the food item.

(b) Raw fruits and vegetables that are intended to be washed by the consumer before consumption, as in grocery or retail sales.

(c) Plated or dished food which, with reasonable care, will not be touched during serving.

(d) Food prepared in accordance with a waiver that is granted by the health authority.

(e) Food that may receive additional preparation for palatability or aesthetic, epicurean, gastronomic or culinary purposes.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0277 “Reconstituted” defined. ([NRS 439.200](#), [446.940](#)) “Reconstituted” means the recombination of dehydrated food products with water or other liquids.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.028 “Reduced oxygen packaging” defined. ([NRS 439.200](#), [446.940](#))

1. “Reduced oxygen packaging” means:

(a) The reduction of the amount of oxygen in a package by removing oxygen, displacing oxygen and replacing it with another gas or combination of gases, or otherwise controlling the oxygen content at a level below that normally found in the atmosphere (approximately 21 percent at sea level); and

(b) A process described in paragraph (a) that involves a food for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form.

2. The term includes:

(a) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package.

(b) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time because of the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes a reduction in the proportion of oxygen, total replacement of oxygen or an increase in the proportion of other gases, including, without limitation, carbon dioxide or nitrogen.

(c) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, including, without limitation, by using oxygen scavengers or a combination of the total replacement of oxygen, nonrespiring food and impermeable packaging material.

(d) Cook chill packaging, in which cooked food is hot filled into impermeable bags which have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled or refrigerated at temperatures which inhibit the growth of psychrotrophic pathogens.

(e) Sous vide packaging, in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled and refrigerated at temperatures which inhibit the growth of psychrotrophic pathogens.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0283 “Refuse” defined. ([NRS 439.200](#), [446.940](#)) “Refuse” means solid waste not carried by water through the sewage system.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0287 “Reminder” defined. ([NRS 439.200](#), [446.940](#)) “Reminder” means a written statement concerning the health risk of consuming animal foods raw, undercooked or without otherwise being processed to eliminate pathogens. The term includes the reminder described in [NAC 446.189](#).

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.029 “Re-served” defined. ([NRS 439.200](#), [446.940](#)) “Re-served” means the transfer of food that is unused and returned by a consumer, after being served or sold and in the possession of the consumer, to another person.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0293 “Restrict” defined. ([NRS 439.200](#), [446.940](#)) “Restrict” means to limit the activities of a food employee so that:

1. There is no risk of transmitting a disease that is transmissible through food; and
2. The food employee does not work with exposed food, clean equipment, utensils or linens, or unwrapped single-service or single-use articles.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0297 “Risk” defined. ([NRS 439.200](#), [446.940](#)) “Risk” means the likelihood that an adverse health effect will occur within a population as a result of a hazard in food.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.030 “Safe materials” defined. ([NRS 439.200](#), [446.940](#)) “Safe materials” means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component of or otherwise affect the characteristics of any food.
[Bd. of Health, Food Establishments Reg. Art. 1 § 1.1 subsec. 1.1.4, eff. 9-17-82]—(NAC A by R069-10, 12-18-2013)

NAC 446.0303 “Sanitization” defined. ([NRS 439.200](#), [446.940](#)) “Sanitization” means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999 percent reduction, of representative disease microorganisms of public health importance.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0305 “Sealed” defined. ([NRS 439.200](#), [446.940](#)) “Sealed” means free of cracks or other openings that could allow the entry or passage of moisture.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0307 “Service animal” defined. ([NRS 439.200](#), [446.940](#)) “Service animal” means an animal that has been trained to assist or accommodate a person with a disability.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.031 “Servicing area” defined. ([NRS 439.200](#), [446.940](#))

1. “Servicing area” means one or more locations approved by the health authority to which a mobile unit or transportation vehicle returns regularly for activities, including, but not limited to, food and supply storage, warewashing, food preparation, vehicle and equipment cleaning and maintenance, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.
2. The term includes:
 - (a) An independent or separate facility that has been approved by the health authority;
 - (b) A mobile unit, if it has been deemed to be large enough by the health authority and meets the requirements of this chapter; and
 - (c) Any other facility that has been issued a permit pursuant to the provisions of [NRS 446.875](#) by the health authority.

(Added to NAC by Bd. of Health, eff. 9-16-92; A by R069-10, 12-18-2013)

NAC 446.0313 “Sewage” defined. ([NRS 439.200](#), [446.940](#)) “Sewage” means liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0315 “Shellfish control authority” defined. ([NRS 439.200](#), [446.940](#)) “Shellfish control authority” means a state, federal, foreign, tribal or other governmental entity that is legally responsible for administering a program which includes certification of molluscan shellfish harvesters and dealers for purposes of interstate commerce.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0317 “Shellstock” defined. ([NRS 439.200](#), [446.940](#)) “Shellstock” means raw, in-shell molluscan

shellfish.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.032 “Shucked shellfish” defined. ([NRS 439.200](#), [446.940](#)) “Shucked shellfish” means molluscan shellfish from which one or both shells have been removed.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0323 “Single-service articles” defined. ([NRS 439.200](#), [446.940](#)) “Single-service articles” means tableware, carry-out utensils and other items, including, without limitation, bags, containers, placemats, stirrers, straws, toothpicks and wrappers that are designed and constructed for one-time, one-person use, after which such items are intended to be discarded.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0325 “Single-use articles” defined. ([NRS 439.200](#), [446.940](#))

1. “Single-use articles” means utensils and bulk food containers that are designed and constructed to be used once and then discarded.

2. The term includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles and number 10 cans which do not meet the specifications for the materials, durability, strength and cleanability of multiuse utensils.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0327 “Smooth” defined. ([NRS 439.200](#), [446.940](#)) “Smooth” means:

1. In the case of food-contact surfaces, a food-contact surface which is free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel.

2. In the case of nonfood-contact surfaces, a nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale.

3. In the case of floors, walls and ceilings, a floor, wall or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.033 “Special event” defined. ([NRS 439.200](#), [446.940](#)) “Special event” means any public gathering which is:

1. Temporary;

2. For a specific purpose; and

3. Includes the serving of food or a temporary food establishment as part of the event.

(Added to NAC by Bd. of Health, eff. 9-16-92)

NAC 446.035 “Substantial health hazard” defined. ([NRS 439.200](#), [446.940](#)) “Substantial health hazard” means any factor or condition which has the potential to risk or cause injury to public health. 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, improperly labeled, misbranded, contaminated, showing evidence of temperature abuse or otherwise unfit for human consumption, which is found in a food establishment.

2. Potentially hazardous food (time/temperature control for safety food) is held longer than established allowable time parameters for preparation or service at an ambient temperature which is greater than 41°F (5°C) or less than 135°F (57.2°C) or under any other condition capable of supporting the rapid growth of bacteria unless a waiver has been granted or time as a public health control is being properly used.

3. Potentially hazardous food (time/temperature control for safety 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 a food establishment.

5. A person employed in a food establishment not practicing strict standards of cleanliness and personal hygiene which may result in the potential transmission of illness through food.

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, designed, fully operable and accessible.

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 does not use items intended for a single-use and bottled drinking water from an approved source.

10. A defect or condition exists in the system supplying potable water which may result in contamination of the water.

11. There exists the presence of insects, rodents or other animals which may result in contamination of food.

12. There exists poisonous or toxic materials which are labeled, stored or used improperly or inadequately.

[Bd. of Health, Food Establishments Reg. Art. 1 § 1.1 subsec. 1.1.5, eff. 9-17-82]—(NAC A by R069-10, 12-18-2013)

NAC 446.0355 “Tableware” defined. ([NRS 439.200](#), [446.940](#)) “Tableware” means bowls, cups, serving dishes, tumblers, plates, and eating, drinking and serving utensils for table use, including, without limitation, flatware such as forks, knives and spoons.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0363 “Temperature measuring device” defined. ([NRS 439.200](#), [446.940](#)) “Temperature measuring device” means a thermometer, thermocouple, thermistor or other device that indicates the temperature of food, air or water.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0367 “Temporary food establishment” defined. ([NRS 439.200](#), [446.940](#)) “Temporary food establishment” means a food establishment that operates for a period of not more than 14 consecutive days in conjunction with a single event or celebration.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0375 “Utensil” defined. ([NRS 439.200](#), [446.940](#)) “Utensil” means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale or service of food, including, without limitation, kitchenware or tableware that is multiuse, single-service or single-use, gloves used in contact with food, temperature sensing probes of food temperature measuring devices, and probe-type price or identification tags used in contact with food.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 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.

(Added to NAC by Bd. of Health, eff. 5-23-96)

NAC 446.0385 “Vending machine” defined. ([NRS 439.200](#), [446.940](#))

1. “Vending machine” means a self-service device that, upon the insertion of a coin, paper currency, token, card or key, or by optional manual operation, 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 that dispenses only nuts, popcorn, ball gum, hard candy, prepackaged candy, cookies, crackers or similar snacks, beverages which are not potentially hazardous food (time/temperature control for safety food) or prepackaged ice.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.039 “Waiver” defined. ([NRS 439.200](#), [446.940](#)) “Waiver” means a written agreement between the health authority and a permit holder that authorizes a modification of one or more requirements of this chapter if, in the opinion of the health authority, a health hazard or nuisance will not result from the modification. Supporting documents for a waiver may include, but are not limited to, operational plans, scientific challenge studies, monitoring logs, validation studies from certified processing authorities and labeling.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.0395 “Warewashing” defined. ([NRS 439.200](#), [446.940](#)) “Warewashing” means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.040 Severability. ([NRS 439.200](#), [446.940](#)) If any provision of this chapter 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.

[Bd. of Health, Food Establishments Reg. Art. 20, eff. 9-17-82]

NAC 446.042 Exemption from requirements; revocation of exemption. ([NRS 439.150](#), [439.200](#), [446.870](#), [446.940](#))

1. For a food establishment to be exempted pursuant to the provisions of this chapter, it must:
 - (a) Provide restroom facilities for its employees that meet the requirements of this chapter.
 - (b) Not serve, sell, give away, display or store potentially hazardous food (time/temperature control for safety 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 this chapter.
 - (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;
 - (d) Prepackaged food supplements such as spices, teas and herbs; and
 - (e) Whole fruits and vegetables in a natural and unprocessed state, provided that documentation can be presented which indicates that the produce was grown by a "certified grower" from the state in which it originated or is from an approved source.
3. The handling of food, including 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.

(Added to NAC by Bd. of Health, eff. 9-16-92; A by R069-10, 12-18-2013)

NAC 446.044 Adoption by reference of *Uniform Plumbing Code*. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in this section, the State Board of Health hereby adopts by reference the most current edition of the *Uniform Plumbing Code* published by the International Association of Plumbing and Mechanical Officials. The provisions of this subsection do not apply if the Board gives notice, in accordance with subsection 2, that the most current edition or revision of the *Uniform Plumbing Code* is not suitable for use in this State.
 2. The State Board of Health will review each edition or revision of the publication adopted by reference pursuant to subsection 1 to ensure its suitability for use in this State. If the Board determines that an edition or revision is not suitable for use in this State, the Board will hold a public hearing to review its determination within 6 months after the date on which the edition or revision was published, and give 30 days' notice of that hearing. If, after the public hearing, the Board does not change its determination, the Board will give notice within 30 days after the hearing that the applicable edition or revision is not suitable for use in this State. If the Board does not give such notice, the edition or revision shall be deemed part of the publication adopted by reference pursuant to subsection 1.
 3. The *Uniform Plumbing Code* may be obtained from the International Association of Plumbing and Mechanical Officials by telephone at (909) 472-4208 or at the Internet address <http://www.iapmostore.org/>, for the following prices:
 - (a) The 2012 *Uniform Plumbing Code*, \$111.00 for nonmembers and \$88.80 for members.
 - (b) The 2009 *Uniform Plumbing Code*, \$109.00 for nonmembers and \$87.20 for members.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

MANAGEMENT AND PERSONNEL

NAC 446.051 Person in charge: Generally. ([NRS 439.200](#), [446.940](#)) The permit holder must be the person in charge or must designate a person in charge, and shall ensure that a person in charge is present at the food establishment during all hours of operation.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.052 Person in charge: Demonstration of knowledge. ([NRS 439.200](#), [446.940](#))

1. Based on the risks inherent to the food operation, during inspections and upon request, the person in charge shall demonstrate to the health authority knowledge of the prevention of foodborne illness, application of the Hazard Analysis and Critical Control Point principles and the requirements of this chapter. The person in charge may demonstrate this

knowledge by:

- (a) Being a certified food protection manager who has shown proficiency in the required information through passing a test that is part of an accredited program; or
- (b) For a low-risk food establishment or temporary food establishment, responding correctly to the questions of the health authority as they relate to the specific food establishment.

2. As used in this section:

- (a) "Accredited program" means a program which certifies a person to be a food protection manager and which:
 - (1) Has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify persons as food protection managers; or
 - (2) Provides to such persons other training acceptable to the health authority.
 - (b) "Low-risk food establishment" means a food establishment, including, without limitation, most convenience stores, food establishments that prepare, serve or sell only prepackaged, nonpotentially hazardous foods (nontime/temperature control for safety foods) and food establishments that heat only commercially processed, potentially hazardous foods (time/temperature control for safety foods) for hot holding. A low-risk food establishment:
 - (1) Does not include a food establishment where the cooling of potentially hazardous foods (time/temperature control for safety foods) takes place.
 - (2) May include, upon evaluation by the health authority, a food establishment that would otherwise be involved in more complex food preparation, but has shown by way of historical documentation to have achieved active managerial control of risk factors for foodborne illness related to the food establishment.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.053 Person in charge: Duties generally. ([NRS 439.200](#), [446.940](#)) The person in charge at a food establishment shall ensure that:

1. The operation of the food establishment is not conducted in a private home or in a room used as living or sleeping quarters as provided in [NRS 446.020](#) and [446.870](#);
 2. Persons unnecessary to the food establishment operation are not allowed in the food preparation, food storage or warewashing areas, except that brief visits and tours may be authorized by the person in charge if steps are taken to ensure that exposed food, clean equipment, utensils and linens, and unwrapped single-service and single-use articles are protected from contamination;
 3. Employees and other persons, including, without limitation, delivery and maintenance personnel and pesticide applicators, entering the food preparation, food storage and warewashing areas, comply with this chapter;
 4. Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;
 5. Employees are visibly observing foods as they are received to determine that the foods are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated and accurately presented, by routinely monitoring the employees' observations and periodically evaluating food upon its receipt;
 6. Employees are properly cooking potentially hazardous food (time/temperature control for safety food), including being particularly careful in cooking those foods known to cause severe foodborne illness and death, including, without limitation, eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices which are properly scaled and calibrated;
 7. Employees are using proper methods to rapidly cool potentially hazardous foods (time/temperature control for safety foods) that are not held hot or are not for consumption within 4 hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;
 8. Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed that the food is not cooked sufficiently to ensure its safety;
 9. Employees are properly sanitizing cleaned multiuse equipment and utensils before the equipment or utensils are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature and exposure time for chemical sanitizing;
 10. Consumers are notified that clean tableware is to be used when they return to self-service areas, including, without limitation, salad bars and buffets;
 11. Except when approval is obtained from the health authority, employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils, including, without limitation, deli tissue, spatulas, tongs, single-use gloves or dispensing equipment;
 12. Employees are properly trained in food safety, including, without limitation, food allergy awareness, as it relates to their assigned duties;
 13. Food employees and conditional employees are informed in a verifiable manner of their responsibility to report to the person in charge information about any symptoms they may have as those symptoms relate to diseases that are transmissible through food; and
 14. Written procedures and plans, where specified by the requirements set forth in this chapter and as developed by the food establishment, are maintained and implemented as required.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.054 Person in charge: Duties regarding conditional employees. ([NRS 439.200](#), [446.940](#))

1. The person in charge shall ensure that a conditional employee:

(a) Who exhibits or reports a symptom or who reports a diagnosed illness as provided in this chapter is prohibited from becoming a food employee until the conditional employee meets the relevant criteria for the specific symptoms or diagnosed illness as provided in this chapter.

(b) Who will work as a food employee in a food establishment that serves a highly susceptible population and who reports a history of exposure as provided in this chapter is prohibited from becoming a food employee until the conditional employee meets the relevant criteria provided in this chapter.

(c) Who has been exposed by attending or working in a setting where there is a confirmed disease outbreak or who is living in the same household as, and has knowledge about, a person who works in or attends a setting where there is a confirmed disease outbreak, or who is living in the same household as, and has knowledge about, a person diagnosed with an illness caused by:

(1) Norovirus within 48 hours after the last exposure;

(2) Enterohemorrhagic *Escherichia coli*, Shiga toxin-producing *Escherichia coli* or Shigella species within 3 days after the last exposure;

(3) *Salmonella typhi* within 14 days after the last exposure; or

(4) The hepatitis A virus within 30 days after the last exposure,

➔ is prohibited from becoming a food employee until the conditional employee meets the relevant criteria provided in this chapter.

2. As used in this section:

(a) “Confirmed disease outbreak” means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and an epidemiological analysis implicates the food as the source of the illness.

(b) “Foodborne disease outbreak” means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.056 Employee health conditions. ([NRS 439.200](#), [446.940](#))

1. In accordance with the provisions of this chapter and [chapter 441A](#) of NAC, the following employee health conditions apply:

(a) A food employee shall not work in or around any place where unwrapped or unpackaged food or beverage products are prepared, sold or offered for sale if the food employee knows that he or she has:

(1) A symptom of gastrointestinal infection, including, without limitation, diarrhea, vomiting or jaundice, except as otherwise provided in paragraph (k);

(2) A diagnosed infection by a disease agent that can be transmitted from a food employee through food, including, without limitation, Salmonella species, Shigella species, Shiga toxin-producing *Escherichia coli*, Hepatitis A virus or Norovirus; or

(3) A lesion that appears inflamed or contains pus, including, without limitation, a boil or infected wound that is not covered with:

(I) An impermeable cover and a single-use glove if the lesion is on a hand or wrist;

(II) An impermeable cover if the lesion is on an arm; or

(III) A dry, durable, tight-fitting bandage if the lesion is on another part of the body.

(b) A food employee shall immediately report to the person in charge if the food employee knows he or she has:

(1) A symptom of gastrointestinal infection, including, without limitation, diarrhea, vomiting or jaundice, except as otherwise provided in paragraph (k);

(2) A diagnosed infection by a disease agent that can be transmitted from a food employee through food, including, without limitation, Salmonella species, Shigella species, Shiga toxin-producing *Escherichia coli*, Hepatitis A virus or Norovirus; or

(3) A lesion that appears inflamed or contains pus and that is not covered as described in subparagraph (3) of paragraph (a).

(c) The person in charge shall, within 24 hours, notify the health authority about any food employee known to have:

(1) Jaundice, except as otherwise provided in paragraph (k); or

(2) A diagnosed infection by a disease agent that can be transmitted from a food employee through food, including, without limitation, Salmonella species, Shigella species, Shiga toxin-producing *Escherichia coli*, Hepatitis A virus or Norovirus.

(d) The person in charge shall restrict or exclude a food employee from working in or around any place where unwrapped or unpackaged food or beverage products are prepared, sold or offered for sale if the food employee is known to have:

(1) A symptom of gastrointestinal infection, including, without limitation, diarrhea, vomiting or jaundice, except as otherwise provided in paragraph (k); or

(2) A lesion that appears inflamed or contains pus and that is not covered as described in subparagraph (3) of

paragraph (a).

(e) The person in charge shall exclude a food employee from working in or around any place where unwrapped or unpackaged food or beverage products are prepared, sold or offered for sale if the food employee is known to have a diagnosed infection by a disease agent that can be transmitted from a food employee through food, including, without limitation, *Salmonella* species, *Shigella* species, Shiga toxin-producing *Escherichia Coli*, Hepatitis A virus or Norovirus.

(f) If the population served by a food establishment is a highly susceptible population, the person in charge shall exclude from the food establishment a food employee who is known to have:

(1) A symptom of gastrointestinal infection, including, without limitation, diarrhea, vomiting or jaundice, except as otherwise provided in paragraph (k);

(2) An infection by *Salmonella typhi* within the last 3 months, unless approved to be released from exclusion by the health authority; or

(3) An infection by *Shigella* species, Shiga toxin-producing *Escherichia coli*, Hepatitis A virus, Norovirus or a *Salmonella* species other than *Salmonella typhi*, within the last 30 days, unless the food employee is approved to be released from exclusion by the health authority.

(g) The person in charge and all employees of a food establishment shall cooperate with the health authority during an investigation of:

(1) An outbreak of an illness associated with food;

(2) An outbreak of an illness suspected to be associated with food; or

(3) A food employee suspected to be infected with a disease agent that can be transmitted from a food employee through food.

(h) When an incident of foodborne illness or a food-related injury is reported to an employee of a food establishment, the employee shall notify the person in charge of that fact. The person in charge shall:

(1) Record the complainant's name, address and telephone number;

(2) Record the nature of the complaint, including, without limitation, the food consumed and the time of the complaint; and

(3) Immediately report the incident to the health authority, and remove from sale and refrigerate any suspect foods until released by the health authority.

(i) When the health authority suspects that a food establishment or its employees may be a source of disease, the health authority shall take appropriate action to control the transmission of the disease. Such action may include, without limitation:

(1) Securing records that may enable identification of persons potentially exposed to the disease or requiring additional assistance in locating such persons, or both, including, without limitation, hotels, motels or other lodging facilities in which the food establishment is located or which are adjacent to the food establishment;

(2) Securing an illness history of any food employee;

(3) Excluding an employee from working in the food establishment until, in the opinion of the health authority, there is no further risk of disease transmission;

(4) Closing the food establishment until, in the opinion of the health authority, there is no further risk of disease transmission;

(5) Restricting the work activities of any employee;

(6) Requiring medical and laboratory examinations of any food employee and of any discharge from his or her body;

(7) Obtaining samples of any suspect food for laboratory examination; and

(8) Requiring the destruction of suspect food or preventing such food from being served.

(j) The person in charge and the food employees of a food establishment shall comply with any order issued by the health authority for excluding employees from the food establishment or restricting employee activities because of a diagnosed or suspected infection by a disease agent that can be transmitted from a food employee through food until the health authority rescinds the order.

(k) Upon approval from the health authority, a food employee with a symptom of gastrointestinal illness, including, without limitation, diarrhea or jaundice, may work in food service without special restriction, provided that the food employee furnishes written medical documentation to the health authority from a health practitioner that the symptom is due to a medical condition not transmissible from the food employee through food, including, without limitation, Crohn's disease, irritable bowel syndrome, ulcerative colitis or Hepatitis C.

2. As used in this section, "health practitioner" means a physician licensed to practice medicine or, if allowed by law, an advanced practice registered nurse, physician assistant or a person with similar qualifications.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.057 Reinstatement of certain food employees. ([NRS 439.200](#), [446.940](#))

1. Except during a confirmed outbreak, the person in charge may reinstate a food employee who was symptomatic and not diagnosed if the food employee is asymptomatic for at least 24 hours.

2. The health authority shall allow a food employee who was infected with an enteric disease to return to work in a food establishment if laboratory confirmation determines the food handler is no longer infectious. Such return shall comply with provisions outlined in [chapter 441A](#) of NAC or as approved by the health authority.

3. As used in this section, “asymptomatic” means without obvious symptoms or not showing or producing indications of a disease or other medical condition, including, without limitation, a person infected with a pathogen who does not exhibit or produce any signs or symptoms of vomiting, diarrhea or jaundice. The term includes persons who do not show symptoms because the symptoms have resolved or subsided or because no symptoms manifested.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.058 Restriction on employment of or contracting with person to provide medical nutrition therapy or nutrition services. ([NRS 439.150](#), [439.200](#), [446.940](#)) The holder of a permit issued pursuant to [NRS 446.875](#) shall not employ or contract with a person to provide medical nutrition therapy or nutrition services unless the person is licensed pursuant to [chapter 640E](#) of NRS or exempt from such licensure.

(Added to NAC by Bd. of Health by R090-12, eff. 12-20-2012)—(Substituted in revision for NAC 446.199)

HYGIENE

NAC 446.061 Handwashing required by food employees. ([NRS 439.200](#), [446.940](#))

1. Food employees shall keep their hands and the exposed portions of their arms clean.

2. Except as otherwise provided in this chapter or by the health authority, whenever a provision of this chapter requires a food employee to keep his or her hands or arms clean, or to wash his or her hands or arms, the requirement applies to any surrogate prosthetic devices for hands or arms.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.062 Handwashing: Procedure. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2:

(a) Food employees must clean their hands and exposed portions of their arms for at least 20 seconds using a cleaning compound in an approved handwashing sink.

(b) Food employees must use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms:

(1) Rinse under clean, running warm water;

(2) Apply an amount of cleaning compound recommended by the manufacturer of the cleaning compound;

(3) Rub together vigorously for at least 10 to 15 seconds while:

(I) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure; and

(II) Creating friction on the surfaces of the hands and arms, fingertips and areas between the fingers;

(4) Thoroughly rinse under clean, running warm water; and

(5) Immediately follow the cleaning procedure with thorough drying using an approved method.

2. If approved and capable of removing the types of soils encountered in the food operations involved, an automatic handwashing facility may be used by food employees to clean their hands and arms.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.063 Handwashing: When required. ([NRS 439.200](#), [446.940](#)) Food employees shall clean their hands and exposed portions of their arms immediately before engaging in food preparation, including, without limitation, working with exposed food, clean equipment, utensils and linens, and unwrapped single-service and single-use articles and:

1. After touching bare human body parts other than clean hands and exposed portions of arms, including, without limitation, surrogate prosthetic devices for hands and arms;

2. After using the toilet room;

3. After caring for or handling service animals or aquatic animals;

4. After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating or drinking;

5. After handling soiled equipment or utensils;

6. During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;

7. When switching between working with raw food and working with ready-to-eat food;

8. Before donning gloves for working with food; and

9. After engaging in other activities that contaminate the hands, including, without limitation, clearing tables or handling money.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.064 Handwashing: Where allowed. ([NRS 439.200](#), [446.940](#)) Food employees shall clean their hands and arms in a handwashing sink or approved automatic handwashing facility or device and may not clean such appendages in a sink used for food preparation or warewashing, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste, unless otherwise approved by the health authority.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.066 Hand sanitizers. ([NRS 439.200](#), [446.940](#))

1. A hand sanitizer used as a topical application, a chemical hand sanitizing solution used as a hand dip or an antiseptic soap for hands must:

(a) Comply with one of the following:

(1) Be an approved drug that is listed in the publication of the United States Food and Drug Administration entitled, "Approved Drug Products with Therapeutic Equivalence Evaluations," as an approved drug based on safety and effectiveness; or

(2) Have active antimicrobial ingredients which are listed in the United States Food and Drug Administration's monograph for OTC Health-Care Antiseptic Drug Products as an antiseptic hand wash;

(b) Comply with one of the following:

(1) Have components which are exempted from the requirement of being listed in federal regulations regarding food additives, as provided in 21 C.F.R. § 170.39; or

(2) Comply with and be listed in:

(I) Federal regulations regarding indirect food additives, 21 C.F.R. Part 178, as regulated for use as a food additive with conditions of safe use; or

(II) Federal regulations regarding direct or indirect food substances, 21 C.F.R. Part 182, 184 or 186; and

(c) Be applied only to hands which have already been properly washed and which are clean.

2. If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria otherwise provided pursuant to paragraph (b) of subsection 1, its use must be:

(a) Followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; or

(b) Limited to situations that involve no direct contact with food by bare hands.

3. A hand antiseptic solution used as a hand dip must be maintained clean and at a strength equivalent to at least 100 mg/L chlorine.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.067 Fingernails. ([NRS 439.200](#), [446.940](#))

1. Food employees shall keep their fingernails trimmed, filed and maintained so the edges and surfaces are cleanable and not rough.

2. Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.068 Jewelry. ([NRS 439.200](#), [446.940](#)) Employees may not wear jewelry on their hands or arms while preparing food, except that a medical identification bracelet may be worn on a wrist or a band with no stones or objects attached to it may be worn on a finger.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.069 Clothing. ([NRS 439.200](#), [446.940](#)) Food employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.071 Eating, drinking or using tobacco. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2, an employee shall not eat, drink or use any form of tobacco where the contamination of exposed food, clean equipment, utensils and linens, and unwrapped single-service and single-use articles, or other items needing protection can result.

2. A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:

(a) The employee's hands;

(b) The container; and

(c) Any exposed food, clean equipment, utensils and linens, and unwrapped single-service and single-use articles.

3. The premises must comply fully with the applicable provisions of [chapter 202](#) of NRS, including, without limitation, the provisions of the Nevada Clean Indoor Air Act, [NRS 202.2483](#).

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.072 Discharges from eyes, nose or mouth. ([NRS 439.200](#), [446.940](#)) Food employees experiencing persistent sneezing, coughing or a runny nose that causes discharges from the eyes, nose or mouth shall not work with exposed food, clean equipment, utensils or linens, or unwrapped single-service or single-use articles.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.073 Hair. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2:

(a) All food employees must restrain their hair by any effective means to keep the hair from contaminating exposed food, clean equipment, utensils and linens, and unwrapped single-service and single-use articles.

(b) All food handlers must wear a hairnet if their hair is longer than the collar. Hair which is shorter than the collar may be restrained by any effective means.

2. This section does not apply to food employees, including, without limitation, counter staff who only serve beverages and wrapped or packaged foods, hostesses and wait staff if such personnel present a minimal risk of contaminating exposed food, clean equipment, utensils and linens, and unwrapped single-service and single-use articles.

3. All food handlers shall maintain their hair in a neat and clean condition.

4. Sideburns, beards and mustaches of all food handlers must be cropped closely and well groomed.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.074 Handling of animals. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2, food employees may not care for or handle animals that may be present in the food establishment, including, without limitation, patrol dogs, service animals or pets that are allowed as provided in this chapter.

2. Food employees with service animals may handle or care for their service animals and food employees may handle or care for fish in aquariums or molluscan shellfish or crustaceans in display tanks, if they wash their hands as prescribed in this chapter.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.076 Methods for preventing contamination of food. ([NRS 439.200](#), [446.940](#))

1. Food employees shall wash their hands and arms as provided in this chapter.

2. Except when washing fruits and vegetables or as provided in subsection 4, food employees must not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils, including, without limitation, deli tissue, spatulas, tongs, single-use gloves or dispensing equipment when handling exposed, ready-to-eat food.

3. Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.

4. Food employees not serving a highly susceptible population may contact exposed, ready-to-eat food with their bare hands if:

(a) The permit holder obtains prior approval from the health authority;

(b) Written procedures are maintained in the food establishment, made available to the health authority upon request and include, without limitation:

(1) For each bare-hand contact procedure, a listing of the specific ready-to-eat foods that are authorized to be touched by bare hands; and

(2) Diagrams and other information showing that handwashing facilities installed, located, equipped and maintained as provided in this chapter are in an easily accessible location and in close proximity to the work station where the bare-hand contact procedure is conducted; and

(c) A written employee health policy details how the food establishment complies with the provisions of this chapter. Such a policy must include, without limitation, documentation that:

(1) Food employees acknowledge they have been informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases transmissible through food and comply with exclusionary orders;

(2) Food employees acknowledge they have received training in bare-hand contact risk, proper handwashing and fingernail maintenance, when and where to wash their hands, jewelry exclusion and good hygienic practices;

(3) Food employees wash hands before and during the preparation of food as necessary to prevent cross-contamination during all hours of operation when ready-to-eat foods are being prepared;

(4) Food employees contacting ready-to-eat food with bare hands use at least two of the following control measures to provide additional safeguards to hazards associated with bare-hand contact:

(I) Double handwashing;

(II) The use of a nail brush;

(III) The application of hand antiseptic; or

(IV) The use of other control measures approved by the health authority; and

(5) Corrective action is taken when any of the provisions of this section are not followed.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

PROTECTION, PREPARATION AND SERVICE OF FOOD

NAC 446.101 General provisions. ([NRS 439.200](#), [446.940](#))

1. Food must be obtained from approved sources.
2. Food that is prepared in a private home must not be sold, or offered or displayed for sale or for compensation or contractual consideration of any kind, unless the person preparing the food possesses a valid permit issued to him or her by the health authority for that purpose.
3. Fish, other than molluscan shellfish, that are intended for consumption in their raw form, and not served to a highly susceptible population, may be offered for sale or service if they are obtained from a supplier who certifies that the fish are frozen for parasite destruction or that the fish is frozen on the premises using appropriate industry guidelines to ensure parasite destruction and records are retained as described in this chapter.
4. All meat, meat products, poultry and poultry products used in a food establishment must have been properly labeled and inspected for wholesomeness under an official program of the United States Department of Agriculture and applicable state law.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.102 Tasting. ([NRS 439.200](#), [446.940](#)) A food employee may not use a utensil more than once to taste food that is to be sold or served.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.103 Safety of food for consumption. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. All food must be free from spoilage, filth, adulteration, misbranding and contamination, and must be safe for human consumption and honestly presented.
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.
[Bd. of Health, Food Establishments Reg. Art. 2 § 2.1 subsecs. 2.1.1 & 2.1.2, eff. 9-17-82]—(NAC A 10-14-88; 9-16-92; 5-23-96; R069-10, 12-18-2013)—(Substituted in revision for NAC 446.050)

NAC 446.104 Food in hermetically sealed containers. ([NRS 439.150](#), [439.200](#), [446.940](#)) Food in a hermetically sealed container must be obtained from a food processing establishment which is regulated by the food regulatory agency that has jurisdiction over the establishment.
[Bd. of Health, Food Establishments Reg. Art. 2 § 2.1 subsec. 2.1.3, eff. 9-17-82]—(NAC A 10-14-88; R069-10, 12-18-2013)—(Substituted in revision for NAC 446.055)

NAC 446.106 Eggs and milk products: Pasteurization and source. ([NRS 439.200](#), [446.940](#))

1. Egg products must be obtained pasteurized.
2. Fluid and dry milk and milk products must:
 - (a) Be obtained pasteurized; and
 - (b) Comply with Grade A standards as specified in law.
3. All frozen desserts and mixes must be from a source approved by the health authority.
4. All cheese and related cheese products must be from a source approved by the health authority.
5. As used in this section, "Grade A standards" means the requirements of the United States Food and Drug Administration in its publication "Grade 'A' Pasteurized Milk Ordinance" with which certain fluid and dry milk and milk products must comply.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.107 Milk and milk products: Pasteurization and source. ([NRS 439.150](#), [439.200](#), [446.940](#)) 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.
[Bd. of Health, Food Establishments Reg. Art. 2 § 2.1 subsecs. 2.1.5 & 2.1.6, eff. 9-17-82]—(NAC A by R069-10, 12-18-2013)—(Substituted in revision for NAC 446.065)

NAC 446.108 Milk and milk products: Requirements for service. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. Milk and products made from milk for drinking must be served in an unopened package which was commercially filled, 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, milk and products made from milk may be poured from a container which was commercially filled.

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

3. The dispensing tube of a bulk milk container must be cut diagonally, leaving not more than 1 inch of the tube protruding from the chilled dispensing head.

[Bd. of Health, Food Establishments Reg. Art. 3 § 3.7 subsecs. 3.7.2-3.7.4, eff. 9-17-82]—(NAC A 5-23-96; R069-10, 12-18-2013)—(Substituted in revision for NAC 446.160)

NAC 446.109 Eggs. ([NRS 439.150](#), [439.200](#), [446.940](#)) Eggs must be received clean, from an approved source and within proper temperature parameters, and in sound condition. Eggs must not be used if the eggs do not meet the tolerances established by the United States Department of Agriculture or any applicable law of this State.

[Bd. of Health, Food Establishments Reg. Art. 2 § 2.1 subsec. 2.1.10, eff. 9-17-82]—(NAC A 5-23-96; R069-10, 12-18-2013)—(Substituted in revision for NAC 446.080)

NAC 446.111 Substitution of pasteurized eggs or egg products for raw eggs in preparation of ready-to-eat foods. ([NRS 439.200](#), [446.940](#)) Pasteurized eggs or egg products must be substituted for raw eggs in the preparation of ready-to-eat foods, including, without limitation, Caesar salad, hollandaise or béarnaise sauce, mayonnaise, meringue, eggnog, ice cream and egg-fortified beverages that are not cooked as otherwise provided pursuant to this chapter.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.112 Prepackaged juice. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2, prepackaged juice must:

(a) Be obtained from a processor with an HACCP system as provided in 21 C.F.R. Part 120; and

(b) Be obtained pasteurized or otherwise treated to attain a 5-log reduction of the most resistant microorganism of public health significance as provided in 21 C.F.R. § 120.24.

2. This section does not apply to fresh-squeezed juices that are produced or prepared on the premises of a permit holder.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.113 Juice packaged in food establishment. ([NRS 439.200](#), [446.940](#)) Juice packaged in a food establishment must:

1. Be treated under an approved HACCP plan to attain a 5-log reduction, which is equal to a 99.999 percent reduction of the most resistant microorganism of public health significance; or

2. If not treated to yield a 5-log reduction of the most resistant microorganism of public health significance, be labeled with the following: “WARNING: THIS PRODUCT HAS NOT BEEN PASTEURIZED AND, THEREFORE, MAY CONTAIN HARMFUL BACTERIA THAT CAN CAUSE SERIOUS ILLNESS IN CHILDREN, THE ELDERLY AND PERSONS WITH WEAKENED IMMUNE SYSTEMS.”

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.114 Fish and molluscan shellfish: Harvesting criteria. ([NRS 439.200](#), [446.940](#))

1. Fish that are received for sale or service must be:

(a) Commercially and legally caught or harvested; or

(b) Approved for sale or service.

2. Molluscan shellfish that are recreationally caught may not be received for sale or service.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.116 Fish: Records. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in this section and this chapter, if raw, raw-marinated, partially cooked or marinated-partially cooked fish are served or sold in ready-to-eat form, the person in charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records of the food establishment for 90 calendar days after the time of service or sale of the fish.

2. If fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time which ensures parasite destruction as provided for in this chapter may substitute for the records otherwise required pursuant to subsection 1.

3. If raw, raw-marinated, partially cooked or marinated-partially cooked fish are served or sold in ready-to-eat form and the fish are raised and fed as provided in this chapter, a written agreement or statement from the supplier or aquaculturist stipulating that the fish were raised and fed as provided in this chapter must be obtained by the person in charge and retained in the records of the food establishment for 90 calendar days after the time of service or sale of the fish.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.117 Fish: Handling and storage. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2, before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked or marinated-partially cooked fish must be:
 - (a) Frozen and stored at a temperature of -4°F (-20°C) or below for a minimum of 168 hours (7 days) in a freezer;
 - (b) Frozen at -31°F (-35°C) or below until solid and stored at -31°F (-35°C) or below for a minimum of 15 hours; or
 - (c) Frozen at -31°F (-35°C) or below until solid and stored at -4°F (-20°C) or below for a minimum of 24 hours.
2. The requirements set forth in subsection 1 do not apply to:
 - (a) Molluscan shellfish;
 - (b) Tuna of the species *Thunnus alalunga* (albacore), *Thunnus albacares* (yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (southern bluefin tuna), *Thunnus obesus* (bigeye tuna) or *Thunnus thynnus* (Atlantic bluefin tuna);
 - (c) Aquacultured fish, including, without limitation, salmon, that:
 - (1) If raised in open water, are raised in net-pens, or are raised in land-based operations, including, without limitation, ponds or tanks; and
 - (2) Are fed formulated feed, including, without limitation, pellets, that contains no live parasites which may be infective to the aquacultured fish; or
 - (d) Fish eggs that have been removed from the skein and rinsed.

NAC 446.118 Molluscan shellfish: Source. ([NRS 439.200](#), [446.940](#))

1. Molluscan shellfish must be obtained from sources according to law and the requirements specified in the “National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish,” published by the United States Food and Drug Administration.
 2. Molluscan shellfish received in interstate commerce must be from sources that are listed in the “Interstate Certified Shellfish Shippers List,” published by the United States Food and Drug Administration.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.119 Raw shucked shellfish. ([NRS 439.200](#), [446.940](#))

1. Raw shucked shellfish must be obtained in nonreturnable packages which bear a legible label that identifies the:
 - (a) Name and address of the original processor or the person who repacked them and the number for the interstate certification.
 - (b) The “sell by” date or the date the shellfish was shucked.
 2. A package of raw shucked shellfish that does not comply with the above labeling guidelines must be subject to a hold order, seized or discarded.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.121 Shellstock: Identification tags and labels. ([NRS 439.200](#), [446.940](#))

1. Shellstock must be obtained in containers which bear legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships or reships the shellstock, as provided in the “National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish,” published by the United States Food and Drug Administration, and which set forth:
 - (a) On the harvester’s tag or label:
 - (1) The harvester’s identification number that is assigned by the shellfish control authority;
 - (2) The date of harvesting;
 - (3) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the shellfish control authority and including the abbreviation of the name of the state or country in which the shellfish are harvested;
 - (4) The type and quantity of shellfish; and
 - (5) The following statement in bold, capitalized type: “THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS”; and
 - (b) Except as otherwise provided in subsection 4, on each dealer’s tag or label:
 - (1) The dealer’s name and address and the certification number assigned by the shellfish control authority;
 - (2) The original shipper’s certification number, including the abbreviation of the name of the state or country in which the shellfish are harvested;
 - (3) The same information as provided for a harvester’s tag pursuant to subparagraphs (1) to (4), inclusive, of paragraph (a); and
 - (4) The following statement in bold, capitalized type: “THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS.”
2. A container of shellstock which does not bear a tag or label or which bears a tag or label that does not contain all of the information otherwise required pursuant to this section may be subject to a hold order, seized, discarded or destroyed.

3. If a place is provided on the harvester's tag or label for a dealer's name, address and certification number, the dealer's information must be listed first.

4. If the harvester's tag or label is designed to accommodate each dealer's identification as provided pursuant to paragraph (b) of subsection 1, individual dealer tags or labels need not be provided.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.124 Shellstock: Identification of source. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided pursuant to paragraph (b) of subsection 2, shellstock tags must remain attached to the container in which the shellstock are received until the container is empty.

2. The identity of the source of shellstock that is sold or served must be maintained by retaining the shellstock tags or labels for 90 calendar days after the date of harvest:

(a) By using an approved recordkeeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shellstock is sold or served;

(b) If shellstock is removed from its tagged or labeled container, to preserve the source identification, by using a recordkeeping system as provided pursuant to paragraph (a); and

(c) When shellstock is sold in a raw form directly to the consumer, ensuring that shellstock from one tagged or labeled container is not commingled with shellstock from another container that has different certification numbers, harvest dates or growing areas, as identified on the tag or label before being ordered by the consumer.

3. As used in this section, "commingle" means to combine:

(a) Shellstock harvested on different days or from different growing areas as identified on the tag or label; or

(b) Shucked shellfish from containers with different container codes or different shucking dates.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.126 Shellstock: Condition. ([NRS 439.200](#), [446.940](#)) When received by a food establishment, shellstock must be reasonably free of mud, dead shellfish and shellfish with broken shells. Dead shellfish or shellstock with badly broken shells must be discarded.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.127 Molluscan shellfish, shellstock and shucked shellfish: Handling and display. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in this section, molluscan shellfish must not be removed from the container in which they are received other than immediately before sale or preparation for service.

2. For display purposes, shellstock may be removed from the container in which they are received, displayed on drained ice or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if:

(a) The source of the shellstock on display is identified and recorded; and

(b) The shellstock are protected from contamination.

3. Shucked shellfish may be removed from the container in which they are received and held in a display container from which individual servings are dispensed upon a consumer's request if:

(a) The labeling information for the shellfish on display is retained and correlates to the date on which, or dates during which, the shellfish are sold or served; and

(b) The shellfish are protected from contamination.

4. Shucked shellfish may be removed from the container in which they are received and repacked in consumer self-service containers if:

(a) The labeling information for the shellfish is on each consumer self-service container;

(b) The labeling information is retained and correlates with the date on which, or dates during which, the shellfish are sold or served;

(c) The labeling information and dates provided pursuant to paragraph (b) are maintained for 90 days; and

(d) The shellfish are protected from contamination.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.128 Game animals. ([NRS 439.200](#), [446.940](#))

1. If game animals or donated game animals are received for sale or service, such animals must be inspected and approved under an inspection program administered by the United States Department of Agriculture.

2. Game animals that have not been inspected as described in subsection 1 must not be served in a food establishment.

3. Legally harvested game animals that have not been inspected as described in subsection 1 may be given to any charitable, religious or other nonprofit organization for use in accordance with subsection 5 of [NRS 446.870](#).

4. Game animals used in accordance with subsection 5 of [NRS 446.870](#) must be labeled as "not for sale."

5. An animal killed by a vehicle on a highway or road must not be approved as a source of food.

6. A game animal must not be received for sale or service if it is a species of wildlife that is listed as endangered or threatened in 50 C.F.R. Part 17.

7. As used in this section, "donated game animal" means any game animal which is processed in an approved facility and which is given as a gift, grant or contribution that is not affected or restricted by any given condition, circumstance or monetary means.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.129 Wild mushroom species. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2, mushroom species picked in the wild must be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert.

2. This section does not apply to:

- (a) Cultivated wild mushroom species that are grown, harvested and processed in an operation that is regulated by the food regulatory agency which has jurisdiction over the operation; or
- (b) Wild mushroom species that are in packaged form and are the product of a food processing establishment that is regulated by the food regulatory agency which has jurisdiction over the establishment.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.131 Receipt of food: Required temperature. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2, refrigerated, potentially hazardous food (time/temperature control for safety food) must be at a temperature of 41°F (5°C) or below when received.

2. If a temperature other than 41°F (5°C) for a potentially hazardous food (time/temperature control for safety food) is specified below, governing milk and molluscan shellfish, the food may be received at the specified temperature, including:

- (a) Milk or other cultured products may be received at an internal temperature of 45°F (7.2°C) or below; and
- (b) For molluscan shellfish:
 - (1) Molluscan shellstock is alive and cooled to an internal shellstock body temperature of 50°F (10°C) or below;
 - (2) Shucked or postharvest processed shellfish are cooled to a temperature of 45°F (7.2°C) or below; and
 - (3) The time-temperature indicating device shows that the ambient air temperature has exceeded 45°F (7.2°C) but the internal shellstock body temperature is 50°F (10°C) or below.

3. Raw eggs must be received in refrigerated equipment that maintains an ambient air temperature of 45°F (7.2°C) or below.

4. Potentially hazardous food (time/temperature control for safety food) that is cooked to a temperature and for a time specified pursuant to this chapter and is received hot must be at a temperature of 135°F (57.2°C) or above.

5. A food that is labeled and shipped frozen by a food processing establishment must be received frozen.

6. Upon receipt, potentially hazardous food (time/temperature control for safety food) must be free of evidence of previous temperature abuse.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.132 Food additives: Limitations. ([NRS 439.200](#), [446.940](#)) Food may not contain unapproved food additives or additives that exceed amounts specified in law. Food ingredients, sources of radiation and pesticide residues must not exceed the provisions specified in law.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.133 Food additives: Protection from contamination. ([NRS 439.200](#), [446.940](#))

1. Food must be protected from contamination that may result from the addition of misused, unsafe or unapproved food or color additives at any level.

2. A food employee shall not:

- (a) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B1; or
- (b) Except for grapes, serve or sell food described in paragraph (a) that is treated with sulfiting agents before receipt by the food establishment.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.134 Preparation and service of ice. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. When employees dispense ice for customers, the ice must be dispensed 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 this chapter.

5. Only those items necessary for dispensing, packaging or transporting ice may be stored on top of an ice machine.

[Bd. of Health, Food Establishments Reg. Art. 3 § 3.7 subsec. 3.7.7, eff. 9-17-82]—(NAC A 9-16-92; 5-23-96; R069-10, 12-18-2013)—(Substituted in revision for NAC 446.175)

NAC 446.136 Ice used for food or as cooling medium. ([NRS 439.200](#), [446.940](#))

1. After use as a medium for cooling the exterior surfaces of food, including, without limitation, melons or fish, packaged foods such as canned beverages, or cooling coils and tubes of equipment, ice may not be used as food.

2. Ice used for food or as a cooling medium must be made from potable water.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.137 Storage of food in contact with ice or water. ([NRS 439.200](#), [446.940](#))

1. Packaged food must not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping or container, or its position in the ice or water.

2. Except as otherwise provided in subsections 3 and 4, unpackaged food must not be stored in direct contact with undrained ice.

3. Tofu and whole raw fruits or vegetables and cut raw vegetables including, without limitation, celery, carrots or potatoes may be immersed in ice or water.

4. Raw poultry and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service or sale.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.138 Packaging. ([NRS 439.200](#), [446.940](#)) Food packages must be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.139 Protection of food from cross-contamination. ([NRS 439.200](#), [446.940](#)) Food must be protected from cross-contamination by:

1. Separating raw animal foods during storage, preparation, holding and display from:

(a) Raw ready-to-eat food, including, without limitation, other raw animal food such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food, including, without limitation, fruits and vegetables; and

(b) Cooked ready-to-eat food.

2. Except when combined as ingredients, separating types of raw animal foods from each other, including, without limitation, beef, fish, lamb, pork and poultry during storage, preparation, holding and display by:

(a) Using separate equipment for each type of raw animal food or arranging each type of raw animal food in equipment so that cross-contamination of one type with another is prevented; and

(b) Preparing each type of raw animal food at different times or in separate areas.

3. Cleaning and sanitizing equipment and utensils as approved.

4. Storing the food in packages, covered containers or wrappings. This subsection does not apply to:

(a) Whole, uncut, raw fruits and vegetables and nuts in the shell that require peeling or hulling before consumption;

(b) Primal cuts, quarters or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks;

(c) Whole, uncut processed meats, including, without limitation, country hams and smoked or cured sausages that are placed on clean, sanitized racks;

(d) Food being cooled in an approved manner; or

(e) Shellstock.

5. Cleaning hermetically sealed containers of food before opening.

6. Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened.

7. Storing damaged, spoiled or recalled food being held in the food establishment in an area designated for that purpose pending proper disposition, unless such food is disposed of under the supervision of the health authority. These foods may not be allowed to contaminate other items.

8. Separating fruits and vegetables, before they are washed, from ready-to-eat food.

9. Storing or displaying frozen, commercially processed and packaged raw animal food with or above frozen, commercially processed and packaged ready-to-eat food.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.141 Storage of food or food ingredients removed from original packaging. ([NRS 439.200, 446.940](#)) Except for containers holding food that can be readily and unmistakably recognized, including, without limitation, dry pasta, working containers holding food or food ingredients that are removed from their original packages for use in the food establishment, such as cooking oils, flour, herbs, potato flakes, salt, spices and sugar, must be identified with the common name of the food.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.142 Raw fruits and vegetables: Washing. ([NRS 439.200, 446.940](#))

1. Except as otherwise provided in subsection 2, and except for whole, raw fruits and vegetables that are intended for washing by the consumer before consumption, raw fruits and vegetables must be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served or offered for human consumption in ready-to-eat form.

2. Fruits and vegetables may be washed by using chemicals:

- (a) Which are generally recognized as safe for the washing of food; or
- (b) As approved by the health authority.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.143 Food contact with surfaces. ([NRS 439.200, 446.940](#)) Food must only contact the surfaces of:

1. Equipment and utensils that are cleaned and sanitized as specified in this chapter.
2. Single-service and single-use articles.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.144 Utensils for preparing or dispensing food: Storage requirements while in use. ([NRS 439.200, 446.940](#)) During pauses in food preparation or dispensing, utensils for the preparation or dispensing of food must be stored:

1. Except as otherwise provided in subsection 2, in the food with their handles above the top of the food and the container;

2. In food that is not potentially hazardous (time/temperature control for safety food), with their handles above the top of the food within containers or equipment that can be closed, including, without limitation, bins of sugar, flour or cinnamon;

3. On a clean portion of the food preparation table or cooking equipment, but only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment, as applicable, are cleaned and sanitized at the approved frequency;

4. In running water of sufficient velocity to flush particulates to the drain, if used with moist food, including, without limitation, ice cream or mashed potatoes;

5. In a clean, protected location if the utensils, including, without limitation, ice scoops, are used only with a food that is not potentially hazardous (time/temperature control for safety food); or

6. In a container of water if the water is maintained at a temperature of at least 135°F (57.2°C) and the container is cleaned and sanitized at the approved frequency.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.146 Linens and napkins: Contact with food. ([NRS 439.200, 446.940](#)) Linens and napkins must not be used in contact with food unless the linens and napkins are:

1. Used to line a container for the service of foods; and
2. Replaced each time the container is refilled for a new consumer.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.148 Wiping cloths. ([NRS 439.200, 446.940](#))

1. Cloths in use for wiping food spills from tableware and carry-out containers that occur as food is being served must be:

- (a) Maintained in a dry condition; and
- (b) Used for no other purpose.

2. Cloths in use for wiping counters and other equipment surfaces must be:

- (a) Held between uses in a chemical sanitizer solution at an approved concentration; and
- (b) Laundered daily.

3. Cloths in use for wiping surfaces in contact with raw animal foods must be kept separate from cloths used for other purposes.

4. Dry wiping cloths and the chemical sanitizing solutions specified in paragraph (a) of subsection 2, in which wet wiping cloths are held between uses, must be free of food debris and visible soil.

5. Containers of chemical sanitizing solutions specified in paragraph (a) of subsection 2, in which wet wiping

cloths are held between uses, must be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, and single-service and single-use articles.

6. Single-use disposable sanitizer wipes must be used in accordance with the manufacturer's label use instructions that are approved by the Environmental Protection Agency.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.149 Gloves. ([NRS 439.200](#), [446.940](#))

1. If used, single-use gloves must be:

- (a) Used for only one task, including, without limitation, working with ready-to-eat food or raw animal food;
- (b) Used for no other purpose; and
- (c) Discarded when damaged or soiled, or when interruptions occur in the operation.

2. Except as otherwise provided in subsection 3, slash-resistant gloves that are used to protect the hands during operations requiring cutting must be used in direct contact only with food that is subsequently cooked to an approved temperature, including, without limitation, frozen food or a primal cut of meat.

3. Slash-resistant gloves may be used with ready-to-eat food that will not subsequently be cooked if the slash-resistant gloves:

- (a) Have a smooth, durable and nonabsorbent outer surface;
- (b) Are covered with a smooth, durable and nonabsorbent glove; or
- (c) Are covered with a single-use glove.

4. Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked to an approved temperature, including, without limitation, frozen food or a primal cut of meat.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.151 Tableware: Reuse. ([NRS 439.200](#), [446.940](#))

1. Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container, food employees must not use tableware, including, without limitation, single-service articles that have been soiled by the consumer, to provide second portions or refills.

2. Except as otherwise provided in subsection 4, self-service consumers must not be allowed to use soiled tableware, including, without limitation, single-service articles, to obtain additional food from a display or serving equipment.

3. A sign must be posted to notify customers to use a clean plate each time they serve themselves. The sign must also state that:

- (a) No eating is allowed while serving food; and
- (b) Customers must handle food using only the utensils provided for that purpose.

4. Drinking cups and containers may be reused by self-service consumers if refilling is an approved, contamination-free process as described in this chapter.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.152 Take-home food containers and take-out beverage containers: Refilling. ([NRS 439.200](#), [446.940](#))

1. A take-home food container that is returned to a food establishment must not be refilled at the food establishment with a potentially hazardous food (time/temperature control for safety food).

2. Except as otherwise provided in subsection 3, a take-home food container which is refilled with food that is not potentially hazardous (time/temperature control for safety food) must be cleaned by an approved method.

3. Personal take-out beverage containers, including, without limitation, thermally insulated bottles, non-spill coffee cups and promotional beverage glasses, may be refilled by employees or the consumer if refilling is an approved, contamination-free process.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.153 Storage and preparation of food: Restrictions. ([NRS 439.200](#), [446.940](#)) Food may not be stored or prepared:

- 1. In locker rooms;
- 2. In toilet rooms;
- 3. In dressing rooms;
- 4. In garbage rooms;
- 5. In mechanical rooms;
- 6. Under sewer lines that are not shielded to intercept potential drips;
- 7. Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- 8. Under open stairwells; or

9. Under other sources of contamination.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.154 Protection of food from contamination: Miscellaneous factors and sources. ([NRS 439.200, 446.940](#)) Food must be protected from contamination that may result from a factor or source not specified in this chapter.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

- NAC 446.156 Protection of food from contamination: Storage requirements.** ([NRS 439.200, 446.940](#))
1. Except as otherwise provided in subsections 2 and 3, food must be protected from contamination by storing the food:
 - (a) In a clean, dry location;
 - (b) Where it is not exposed to splash, dust or other contamination; and
 - (c) At least 6 inches (15 centimeters) above the floor.
 2. Food in packages and working containers may be stored less than 6 inches (15 centimeters) above the floor on case lot handling equipment.
 3. Pressurized beverage containers, cased food in waterproof containers, including, without limitation, bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.158 Protection of food from contamination: Preparation and dispensing of bulk food and unpackaged food. ([NRS 439.200, 446.940](#)) Bulk food or unpackaged food must be protected from environmental sources of contamination during preparation and dispensing.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

- NAC 446.159 Protection of food from contamination: Bulk food.** ([NRS 439.200, 446.940](#))
1. Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling or washing by the consumer before consumption, food on display must be protected from contamination by the use of:
 - (a) Packaging;
 - (b) Counter, service line or salad bar food guards;
 - (c) Display cases; or
 - (d) Other effective means.
 2. Bulk food containers in the retail display area must be constructed from safe materials which are resistant to corrosion, nonabsorbent, smooth, easy to clean and durable under conditions of normal use.
 3. 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).
 4. 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) above 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.
 5. Tethers for utensils used for bulk food must be designed to be easily removable from the product module for cleaning.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

- NAC 446.161 Protection of food from contamination: Condiments.** ([NRS 439.200, 446.940](#))
1. Condiments must be protected from contamination by being kept in dispensers that are designed to provide protection, protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions.
 2. Condiments at a vending machine location must be in individual packages or provided in dispensers that are filled at an approved location, including, without limitation, the food establishment which provides food to the vending machine location, a food processing establishment which is regulated by the agency that has jurisdiction over the operation or a properly equipped facility which is located on the site of the vending machine location.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.162 Consumer self-service operations. ([NRS 439.200, 446.940](#))

- 1. Raw, unpackaged animal food, including, without limitation, beef, lamb, pork, poultry and fish may not be offered for consumer self-service. This subsection does not apply to:
 - (a) Consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish;
 - (b) Ready-to-cook individual portions for immediate cooking and consumption on the premises, including, without limitation, consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or
 - (c) Raw, frozen, shell-on shrimp or lobster.
- 2. Consumer self-service operations for ready-to-eat foods must be provided with suitable utensils or effective dispensing methods that protect the food from contamination.
- 3. Consumer self-service operations, including, without limitation, buffets and salad bars, must be monitored by food employees trained in safe operating procedures.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.163 Unused or returned food: Re-service. ([NRS 439.200](#), [446.940](#))

- 1. Except as otherwise provided in subsection 2, after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer may not be offered as food for human consumption.
- 2. Except as otherwise specified in this chapter, a container of food that is not potentially hazardous (time/temperature control for safety food) may be re-served from one consumer to another if:
 - (a) The food is dispensed so that it is protected from contamination and the container is closed between uses, including, without limitation, a narrow-neck bottle containing catsup, steak sauce or wine; or
 - (b) The food, including, without limitation, crackers, salt or pepper, is in an unopened original package and is maintained in sound condition.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.164 Raw animal foods: Cooking temperatures. ([NRS 439.200](#), [446.940](#))

- 1. Except as otherwise provided in this section, raw animal foods, including, without limitation, eggs, fish, meat, poultry and foods containing such raw animal foods, must be cooked to heat all parts of the food to a temperature and for a time that complies with one of the following methods based on the food that is being cooked:
 - (a) At a temperature of 145°F (62.8°C) or above for 15 seconds for:
 - (1) Raw eggs that are broken and prepared in response to a consumer’s order and for immediate service; and
 - (2) Except as otherwise provided in paragraphs (b) and (c) and in subsections 2 and 3, fish and meat, including, without limitation, game animals commercially raised for food as specified in this chapter and game animals subject to a voluntary inspection program.
 - (b) At a temperature of 155°F (68.3°C) for 15 seconds or the temperature specified in the following chart that corresponds to the holding time for ratites, mechanically tenderized meats and injected meats, raw eggs that are not prepared as specified pursuant to paragraph (a) and, if comminuted, fish, meat, game animals commercially raised for food as specified in this chapter and game animals subject to a voluntary inspection program as specified in this chapter:

Minimum	
Temperature °F (°C)	Time
145°(62.8°)	3 minutes
150°(65.6°)	1 minute
158°(70°)	< 1 second (instantaneous)

- (c) At a temperature of 165°F (73.9°C) or above for 15 seconds for poultry, baluts, wild game animals as specified in this chapter, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites or stuffing containing fish, meat, poultry or ratites.
- 2. Whole meat roasts including beef, corned beef, lamb, pork and cured pork roasts, including, without limitation, ham, must be cooked:
 - (a) In an oven that is preheated to the temperature specified for the roast’s weight in the following chart and that is held at that temperature:

Oven Type	Oven Temperature Based on Roast Weight	
	Less than 10 lbs (4.5 kg)	10 lbs (4.5 kg) or More
Still Dry	350°F (177°C) or above	250°F (121°C) or above
Convection	325°F (163°C) or above	250°F (121°C) or above
High Humidity ¹	250°F (121°C) or below	250°F (121°C) or below

¹ Relative humidity greater than 90 percent for at least 1 hour as measured in the cooking

chamber or exit of the oven, or in a moisture-impermeable bag that provides 100 percent humidity.

(b) As specified in the following chart, to heat all parts of the food to a temperature and for the holding time which corresponds to that temperature:

Temperature °F (°C)	¹ Time in Minutes	Temperature °F (°C)	¹ Time in Seconds
130°F (54.4°C)	112	147°F (63.9°C)	134
131°F (55.0°C)	89	149°F (65.0°C)	85
133°F (56.1°C)	56	151°F (66.1°C)	54
135°F (57.2°C)	36	153°F (67.2°C)	34
136°F (57.8°C)	28	155°F (68.3°C)	22
138°F (58.9°C)	18	157°F (69.4°C)	14
140°F (60.0°C)	12	158°F (70.0°C)	0
142°F (61.1°C)	8	155°F (68.3°C)	22
144°F (62.2°C)	5	157°F (69.4°C)	14
145°F (62.8°C)	4	158°F (70.0°C)	0

¹ Holding time may include postoven heat rise.

3. A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if:

- (a) The food establishment serves a population that is not a highly susceptible population;
- (b) The steak is labeled to indicate that it meets the definition of “whole-muscle, intact beef”; and
- (c) The steak is cooked on both the top and bottom to a surface temperature of 145°F (63°C) or above and a cooked color change is achieved on all external surfaces.

4. A raw animal food, including, without limitation, raw egg, raw fish, raw-marinated fish, raw molluscan shellfish or steak tartare, or a partially cooked food, including, without limitation, lightly cooked fish, soft cooked eggs or rare meat other than whole-muscle, intact beef steaks as specified in this section, may be served or offered for sale upon consumer request or selection in a ready-to-eat form if:

(a) The food establishment serves a population that is not a highly susceptible population, the food, if served or offered for service by consumer selection from a children’s menu, does not contain comminuted meat and the consumer is informed as provided pursuant to this chapter that, to ensure safety, the food should be cooked as specified in subsection 1 or 2; or

(b) The health authority grants a waiver from this section, as provided in this chapter, based on a plan which:

- (1) Is submitted by the permit holder and approved as otherwise provided pursuant to this chapter;
- (2) Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe food; and
- (3) Verifies that equipment and procedures for food preparation and the training of food employees at the food establishment meet the conditions of the waiver.

5. As used in this section, “whole-muscle, intact beef” means whole-muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.166 Raw animal foods: Cooking in microwave oven. ([NRS 439.200](#), [446.940](#)) Raw animal foods cooked in a microwave oven must be:

- 1. Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
- 2. Covered to retain surface moisture;
- 3. Heated to a temperature of at least 165°F (73.9°C) in all parts of the food; and
- 4. Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.167 Raw animal foods: Cooking using noncontinuous cooking process. ([NRS 439.200](#), [446.940](#)) Raw animal foods that are cooked using a noncontinuous cooking process must be:

- 1. Subject to an initial heating process that is no longer than 60 minutes in duration;
- 2. After initial heating, immediately cooled according to the time and temperature parameters specified for cooked

potentially hazardous food (time/temperature control for safety food) set forth within this chapter;

3. After cooling, held frozen or cold, as specified for potentially hazardous food (time/temperature control for safety food) within this chapter;

4. Before sale or service, cooked using a process that heats all parts of the food to a temperature of at least 165°F (73.9°C) for 15 seconds, or in a manner that otherwise ensures compliance with established safe cooking temperatures as specified in this chapter;

5. Cooled according to the time and temperature parameters specified for cooked potentially hazardous food (time/temperature for control for safety food) as set forth in this chapter if the applicable food will not be:

- (a) Held using heat as a public health control as specified in this chapter;
 - (b) Served immediately; or
 - (c) Held using time as a public health control as specified in this chapter after complete cooking; and
6. Prepared and stored according to written procedures that:
- (a) Have been approved by the health authority;
 - (b) Are maintained in the food establishment and made available to the health authority upon request;
 - (c) Describe:

(1) How the requirements specified in subsections 1 to 5, inclusive, are to be monitored and documented by the permit holder; and

(2) The corrective actions to be taken if those requirements are not met;

(d) Describe how the foods, after initial heating but before complete cooking, are to be marked or otherwise identified as foods that must be cooked as specified within this chapter before being offered for sale or service; and

(e) Describe how the foods, after initial heating but before cooking as specified in this chapter, are to be separated from ready-to-eat foods as specified in this chapter.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.168 Fruits and vegetables cooked for hot holding: Cooking temperature. ([NRS 439.200, 446.940](#)) Fruits and vegetables that are cooked for hot holding must be cooked to a temperature of 135°F (57.2°C).

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.169 Cooked and refrigerated food prepared for immediate service. ([NRS 439.200, 446.940](#)) Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer's order may be served at any temperature.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.171 Reheating for hot holding. ([NRS 439.200, 446.940](#))

1. Except as otherwise provided in subsections 2, 3 and 5, potentially hazardous food (time/temperature control for safety food) that is cooked, cooled and reheated for hot holding must be reheated so that all parts of the food reach a temperature of at least 165°F (73.9°C) for 15 seconds.

2. Except as otherwise provided in subsection 3, potentially hazardous food (time/temperature control for safety food) reheated in a microwave oven for hot holding must be reheated so that all parts of the food reach a temperature of at least 165°F (73.9°C) and the food is rotated or stirred, covered and allowed to stand covered for 2 minutes after reheating.

3. Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing establishment that is inspected by the health authority which has jurisdiction over the establishment, must be heated to a temperature of at least 135°F (57.2°C) for hot holding.

4. Reheating for hot holding as specified in subsections 1, 2 and 3 must not exceed 2 hours.

5. Remaining unsliced portions of meat roasts that are cooked to an approved temperature may be reheated for hot holding using the oven parameters and minimum time and temperature conditions provided in this chapter.

6. Steam tables, bainmaries, warmers, Crock-Pots and similar facilities for holding hot foods are prohibited for use in the rapid reheating of potentially hazardous foods (time/temperature control for safety foods).

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.172 Stored frozen food. ([NRS 439.200, 446.940](#)) Stored frozen foods must be maintained frozen.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.173 Potentially hazardous food (time/temperature control for safety food): Slacking. ([NRS 439.200, 446.940](#))

1. Frozen potentially hazardous food (time/temperature control for safety food) that is slacked to moderate the temperature must be held:

(a) Under refrigeration that maintains the food temperature at 41°F (5°C) or below, or at 45°F (7.2°C) or below, as specified in this chapter; or

(b) At any temperature, if the food remains frozen.

2. As used in this section, “slacking” means the process of moderating the temperature of a food, including, without limitation, allowing a food to gradually increase from a temperature of 10°F (-23°C) to 25°F (-4°C) in preparation for deep-fat frying, or to facilitate even heat penetration during the cooking of previously block-frozen food, such as shrimp.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.174 Potentially hazardous food (time/temperature control for safety food): Thawing. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2, potentially hazardous food (time/temperature control for safety food) must be thawed using one of the following methods:

(a) Under refrigeration which maintains the food temperature at 41°F (5°C) or below, or at 45°F (7.2°C) or below, as specified in this chapter.

(b) Completely submerged under running water at a water temperature of 70°F (21.1°C) or below and with sufficient water velocity to agitate and float off loose particles in an overflow and:

(1) If the food is ready-to-eat food, for a period of time that does not allow thawed portions of the food to rise above 41°F (5°C) or 45°F (7.2°C); or

(2) If the food is raw animal food, for a period of time that does not allow thawed portions of the food requiring cooking to be above 41°F (5°C) for more than 4 hours, including:

(I) The time the food is exposed to the running water and the time needed for preparation for cooking; or

(II) The time it takes under refrigeration to lower the food temperature to 41°F (5°C) or 45°F (7.2°C).

(c) As part of a cooking process if the food that is frozen is:

(1) Cooked as specified in this chapter; or

(2) Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process.

2. Potentially hazardous food (time/temperature control for safety food) may be thawed using any procedure if a portion of frozen, ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer’s order.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.176 Potentially hazardous food: Cooling. ([NRS 439.200](#), [446.940](#))

1. Cooked potentially hazardous food (time/temperature control for safety food) must be cooled:

(a) Within 2 hours from 135°F (57.2°C) to 70°F (21.1°C); and

(b) Within a total of 6 hours from 135°F (57.2°C) to 41°F (5°C) or below.

2. Potentially hazardous food (time/temperature control for safety food) must be cooled within 4 hours to 41°F (5°C) if prepared from ingredients at ambient temperature, including, without limitation, reconstituted foods and canned tuna.

3. Except as otherwise provided in subsection 4, a potentially hazardous food (time/temperature control for safety food) received in compliance with this chapter allowing a temperature above 41°F (5°C) during shipment from the supplier, including, without limitation, milk and molluscan shellfish, must be cooled within 4 hours to 41°F (5°C) or below.

4. Raw eggs must be received in refrigerated equipment that maintains an ambient air temperature of 45°F (7.2°C) or below and must be placed immediately in refrigerated equipment that maintains an ambient air temperature of 45°F (7.2°C) or below.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.177 Procedures for cooling. ([NRS 439.200](#), [446.940](#))

1. Cooling must be accomplished in accordance with the time and temperature parameters approved in this chapter by using one or more of the following methods based on the type of food being cooled:

(a) Placing the food in shallow pans;

(b) Separating the food into smaller or thinner portions;

(c) Using rapid cooling equipment;

(d) Stirring the food in a container placed in an ice water bath;

(e) Using containers that facilitate heat transfer;

(f) Adding ice as an ingredient; or

(g) Other effective methods.

2. When placed in cooling or cold holding equipment, food containers in which food is being cooled must be:

(a) Arranged in the equipment to provide maximum heat transfer through the container walls; and

(b) Loosely covered or uncovered, if protected from overhead contamination, during the cooling period to facilitate heat transfer from the surface of the food.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.178 Potentially hazardous food (time/temperature control for safety food). ([NRS 439.200](#), [446.940](#))

1. Except during preparation, cooking or cooling, or when time is used as a public health control as described in this chapter and, except as otherwise provided in subsection 2, potentially hazardous food (time/temperature control for safety food) must be maintained:

(a) At 135°F (57.2°C) or above, except that roasts cooked or reheated as specified in this chapter may be held at a temperature of 130°F (54.4°C) or above; or

(b) At a temperature of 41°F (5°C) or below.

2. Eggs that have not been treated to destroy all viable *Salmonellae* must be stored in refrigerated equipment that maintains an ambient air temperature of 45°F (7.2°C) or below.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.179 Refrigerated, ready-to-eat potentially hazardous food (time/temperature control for safety food): Date marking. ([NRS 439.200](#), [446.940](#))

1. Except when packaging food using a reduced oxygen packaging method, and except as specified in this chapter, refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) prepared and held in a food establishment for more than 24 hours must be clearly marked to indicate the date or day on which the food was prepared or the date or day by which the food must be consumed on the premises, sold or discarded, based on the temperature and time combinations specified in this section. The day of preparation must be counted as “day 1.” Food must be maintained at a temperature of 41°F (5°C) or below for a maximum of 7 days.

2. Except as otherwise provided in subsections 4, 5 and 6, refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) that is prepared and packaged by a food processing establishment must be clearly marked at the time the original container is opened in a food establishment and, if the food is held for more than 24 hours, must indicate the date or day by which the food must be consumed on the premises, sold or discarded, based on the temperature and time combinations set forth in subsection 1. The day the original container is opened in the food establishment must be counted as “day 1,” and the food held for a maximum of 7 days, except that the day or date marked by the food establishment may not exceed a manufacturer’s use-by date if the manufacturer determined the use-by date based on food safety.

3. A refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) ingredient or a portion of a refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) that is subsequently combined with additional ingredients or portions of food must retain the date marking of the earliest-prepared or first-prepared ingredient.

4. A date marking system that meets the criteria set forth in subsections 1 and 2 may include:

(a) Using a method approved by the health authority for refrigerated, ready-to-eat potentially hazardous food (time/temperature control for safety food) that is frequently rewrapped, including, without limitation, lunch meat or a roast, or for which date marking is impractical, including, without limitation, soft serve mix or milk in a dispensing machine;

(b) Marking the date or day of preparation, accompanied by a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold or discarded as provided in subsection 1;

(c) Marking the date or day the original container is opened in a food establishment, accompanied by a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold or discarded as provided in subsection 2; or

(d) Using calendar dates, days of the week, color-coded marks or other effective marking methods, provided that the marking system is disclosed to the health authority upon request.

5. Subsections 1 and 2 do not apply with respect to individual meal portions served or repackaged for sale from a bulk container upon a consumer’s request.

6. Subsection 2 does not apply with respect to the following foods prepared and packaged by a food processing establishment that is inspected by a health authority:

(a) Deli salads, including, without limitation, ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad and macaroni salad, that are manufactured in accordance with this chapter;

(b) Hard cheeses containing not more than 39 percent moisture;

(c) Semisoft cheeses containing more than 39 percent moisture but not more than 50 percent moisture;

(d) Cultured dairy products;

(e) Preserved fish products, including, without limitation, pickled herring and dried or salted cod, and other acidified fish products;

(f) Shelf stable, dry fermented sausages, including, without limitation, pepperoni and Genoa salami, that are not labeled “Keep Refrigerated” and which retain the original casing on the product; or

(g) Shelf stable, salt-cured products, including, without limitation, prosciutto and Parma (ham), that are not labeled “Keep Refrigerated.”

7. As used in this section, “casing” means a tubular container for sausage products made of either natural or artificial (synthetic) material.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.181 Discarding of food. ([NRS 439.200](#), [446.940](#))

1. A food specified in this chapter must be discarded if it:

(a) Exceeds either of the temperature and time combinations specified in this chapter, except time that the product is frozen;

(b) Is in a container or package that does not bear a date or day; or

(c) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in this chapter.

2. Refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) that is prepared in a food establishment and dispensed through a vending machine with an automatic shutoff control must be discarded if the food exceeds an approved temperature and time combination.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.182 Time as public health control; exception. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 4, if time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food (time/temperature control for safety food) before cooking, or for ready-to-eat potentially hazardous food (time/temperature control for safety food) that is displayed or held for service, written procedures must be prepared in advance, maintained in the food establishment and made available to the health authority upon request. Such procedures must specify:

(a) Methods of compliance with this section; and

(b) Methods of compliance for cooling food that is prepared, cooked and refrigerated before time is used as a public health control.

2. If time only, rather than time in conjunction with temperature control, up to a maximum of 4 hours, is used as the public health control:

(a) The food must have an initial temperature of 41°F (5°C) or below if removed from cold holding temperature control or 135°F (57.2°C) or above if removed from hot holding temperature control;

(b) The food must be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is removed from temperature control;

(c) The food must be cooked and served, served if ready-to-eat or discarded within 4 hours after the point in time when the food is removed from temperature control; and

(d) The food, if in unmarked containers or packages or marked to exceed a 4-hour limit, must be discarded.

3. If time only, rather than time in conjunction with temperature control, up to a maximum of 6 hours, is used as the public health control:

(a) The food must have an initial temperature of 41°F (5°C) or below when removed from temperature control and the food temperature may not exceed 70°F (21.1°C) within a maximum time period of 6 hours;

(b) The food must be monitored to ensure the warmest portion of the food does not exceed 70°F (21.1°C) during the 6-hour holding period, unless an ambient air temperature is maintained that ensures the food does not exceed 70°F (21.1°C) during the 6-hour period;

(c) The food must be marked or otherwise identified to indicate:

(1) The time when the food is removed from 41°F (5°C) or below cold holding temperature control; and

(2) The time that is 6 hours past the point in time when the food is removed from cold holding temperature control;

(d) The food must be:

(1) Discarded if the temperature of the food exceeds 70°F (21.1°C); or

(2) Cooked and served, served if ready-to-eat or discarded within a maximum of 6 hours after the point in time when the food is removed from 41°F (5°C) or below cold holding temperature control; and

(e) The food, if in unmarked containers or packages or marked with a time that exceeds the 6-hour limit, must be discarded immediately.

4. A food establishment that serves a highly susceptible population may not use time as provided pursuant to subsection 1, 2 or 3 as the public health control for raw eggs.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.183 Waiver by approval of written plan for alternate methods of food preparation. ([NRS 439.200](#), [446.940](#)) A food establishment operator shall submit and obtain a waiver by approval of a written plan from the health authority before:

1. Smoking food as a method of food preservation rather than as a method of flavor enhancement;

2. Curing food;

3. Using food additives or adding components, including, without limitation, vinegar:
 - (a) As a method of food preservation rather than as a method of flavor enhancement; or
 - (b) To render a food so that it is not potentially hazardous (time/temperature control for safety food);
 4. Packaging food using a reduced oxygen packaging method, except as specified in this chapter, where a barrier to *Clostridium botulinum* in addition to refrigeration exists;
 5. Operating a molluscan shellfish life-support system display tank used to store and display shellfish that are offered for human consumption;
 6. Custom processing animals that are for personal use as food and not for sale or service in the food establishment;
 7. Preparing food by another method that is determined by the health authority to require a waiver; or
 8. Sprouting seeds or beans.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.184 Reduced oxygen packaging. ([NRS 439.200](#), [446.940](#))

1. Except for a food establishment that obtains a waiver and except as otherwise provided in subsections 3, 4 and 5, a food establishment that packages potentially hazardous food (time/temperature control for safety food) using a reduced oxygen packaging method shall ensure that there are at least two barriers in place to control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes*.
2. A food establishment that packages potentially hazardous food (time/temperature control for safety food) using a reduced oxygen packaging method must have an approved HACCP plan in addition to requiring:
 - (a) Identification of the food to be packaged;
 - (b) Except as otherwise provided in subsections 3, 4 and 5, the packaged food be maintained at 41°F (5°C) or below and meets at least one of the following criteria:
 - (1) Has an a_w of 0.91 or less;
 - (2) Has a pH of 4.6 or less;
 - (3) Is a meat or poultry product cured at a food processing establishment regulated by the United States Department of Agriculture using substances specified in 9 C.F.R. § 424.21, "Use of food ingredients and sources of radiation," and is received in an intact package; or
 - (4) Is a food with a high level of competing organisms, including, without limitation, raw meat, raw poultry or raw vegetables;
 - (c) A description of how the package will be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:
 - (1) Maintain the food at 41°F (5°C) or below; and
 - (2) Discard the food if, within 14 calendar days after its packaging, the food is not served for on-premises consumption or consumed if served or sold for off-premises consumption;
 - (d) A limit on the refrigerated shelf life of not more than 14 calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell-by" or "use-by" date, whichever occurs first;
 - (e) Written operational procedures that:
 - (1) Prohibit contacting food with bare hands;
 - (2) Identify a designated work area and the method by which:
 - (I) Physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross-contamination; and
 - (II) Access to the processing equipment is limited to responsible trained personnel familiar with the potential hazards of the operation; and
 - (3) Delineate cleaning and sanitization procedures for food-contact surfaces; and
 - (f) A training program which ensures that the person responsible for the reduced oxygen packaging operation understands the:
 - (1) Concepts required for a safe operation;
 - (2) Equipment and facilities; and
 - (3) Procedures specified in paragraph (e) and this chapter.
3. Except for fish that is frozen before, during and after packaging, a food establishment must not package fish using a reduced oxygen packaging method.
4. Except as otherwise provided in subsection 3, a food establishment may package food using a cook-chill or sous vide process without obtaining a waiver if:
 - (a) The food establishment implements an HACCP plan that has been approved in advance by the health authority.
 - (b) The food is:
 - (1) Prepared and consumed on the premises or prepared and consumed off the premises but within the same business entity with no distribution or sale of the bagged product to another business entity or a consumer.
 - (2) Cooked to heat all parts of the food to a temperature approved in this chapter.
 - (3) Protected from contamination after cooking.

(4) Placed in a package or bag with an oxygen barrier before cooking or placed in a package or bag immediately after cooking and before reaching a temperature below 135°F (57.2°C).

(5) Cooled to 41°F (5°C) in the sealed package or bag as specified in this chapter and subsequently:

(I) Cooled to 34°F (1.1°C) within 48 hours after reaching 41°F (5°C) and held at that temperature until consumed or discarded within 30 days after the date of packaging;

(II) Cooled to 34°F (1.1°C) within 48 hours after reaching 41°F (5°C), removed from refrigeration equipment that maintains the food temperature at 34°F (1.1°C), and then held at 41°F (5°C) or below for not more than 72 hours, at which time the food must be consumed or discarded;

(III) Cooled to 38°F (3.3°C) or below within 24 hours after reaching 41°F (5°C) and held there for not more than 72 hours after packaging, at which time the food must be consumed or discarded; or

(IV) Held frozen with no shelf life restriction while frozen, until consumed or used.

(6) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation at least twice daily. If approved by the health authority, manual temperature monitoring may be used.

(7) If transported off-site to a satellite location of the same business entity, equipped with a verifiable electronic monitoring device to ensure that times and temperatures are monitored during transportation.

(8) Labeled with the product name and the date on which it was packaged.

(c) The records required to confirm that cooling and cold holding refrigeration time and temperature parameters are required as part of the HACCP plan, are maintained and are:

(1) Made available to the health authority upon request; and

(2) Retained for at least 6 months.

(d) Written operational procedures as specified in paragraph (e) of subsection 2 and a training program as specified in paragraph (f) of subsection 2 are carried out.

5. A food establishment may package cheese using a reduced oxygen packaging method without obtaining a waiver if it:

(a) Limits the cheeses packaged to those which are commercially manufactured in a food processing establishment with no ingredients added in the food establishment and which meet the Standards of Identity as specified in 21 C.F.R. § 133.150, "Hard cheeses," 21 C.F.R. § 133.169, "Pasteurized process cheese," or 21 C.F.R. § 133.187, "Semisoft cheeses";

(b) Has an HACCP plan that has been approved by the health authority and as specified under:

(1) Paragraph (a) of subsection 2;

(2) Subparagraph (1) of paragraph (c) of subsection 2;

(3) Paragraph (e) of subsection 2; and

(4) Paragraph (f) of subsection 2;

(c) Labels the package on the principal display panel with a "use-by" date that does not exceed 30 days after its packaging or the original manufacturer's "sell-by" or "use-by" date, whichever occurs first; and

(d) Discards the reduced oxygen packaged cheese if it is not sold for off-premises consumption or consumed within 30 calendar days after its packaging.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.186 Misrepresentation of food prohibited. ([NRS 439.200](#), [446.940](#))

1. Food must be offered for human consumption in a way that does not mislead or misinform the consumer.

2. Food additives, color additives, colored overwraps or lights must not be used to misrepresent the true appearance, color or quality of any food.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.187 Labeling. ([NRS 439.200](#), [446.940](#))

1. Packages of food, including, without limitation, processed foods, dietary supplements and packages of food repackaged from bulk prepared in this State, that are for sale in a food establishment, must have labels which have been approved by the health authority. The labels must be printed in English in addition to any other languages required by the health authority. Such labels must be reviewed and approved by the health authority and any fees required must be paid in full before any label may be used.

2. 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.

3. Food packaged in a food establishment for retail sale must be labeled as provided in law, including 21 C.F.R. Part 101, "Food Labeling," and 9 C.F.R. Part 317, "Labeling, Marking Devices, and Containers." Unless otherwise approved in advance by the health authority, label information must include, without limitation:

(a) The name of the food establishment and the place of business of the manufacturer, packer or distributor;

(b) The address of the food establishment, including, without limitation:

(1) The city;

- (2) The state; and
- (3) The zip code;
- (c) The common name of the food or, absent a common name, an adequately descriptive identity statement;
- (d) If made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including, without limitation, a declaration of artificial color or flavor and chemical preservatives, if contained in the food;
- (e) An accurate declaration of the quantity of contents;
- (f) The name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient;
- (g) When requested by the health authority:
 - (1) The telephone number of the food establishment; and
 - (2) The street number or post office box of the food establishment;
- (h) Except as otherwise exempted in 21 U.S.C. § 343(q)(3)-(5), nutrition labeling as specified in 21 C.F.R. Part 101, "Food Labeling," and 9 C.F.R. Part 317, Subpart B, "Nutrition Labeling"; and
- (i) For any salmonid fish containing canthaxanthin as a color additive, the labeling of the bulk fish container, including a list of ingredients, displayed on the retail container or by other written means, including, without limitation, a counter card, that discloses the use of canthaxanthin.

4. Prepackaged foods prepared in a food establishment, including frozen sandwiches that have been thawed and other potentially hazardous food (time/temperature control for safety food) contained in boxed lunches that are made for sale and consumption off the premises must have a label that has been approved by the health authority. Unless otherwise approved in advance by the health authority, the label must include:

- (a) The name of the food establishment;
- (b) The mailing address of the food establishment, including, without limitation:
 - (1) The street number 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;
- (d) The last date of sale shown clearly as three letters of the month followed by the date;
- (e) A list of known allergens, including, without limitation, ingredients made from or containing nuts; and
- (f) When requested by the health authority, the telephone number of the food establishment.

5. Bulk food that is available for consumer self-dispensing must be prominently labeled with the following information in plain view of the consumer:

- (a) The manufacturer's or processor's label that was provided with the food; or
- (b) A card, sign or other method of notification that includes the following information:
 - (1) The common name of the food or, absent a common name, an adequately descriptive identity statement;
 - (2) A list of ingredients in descending order of predominance by weight including, without limitation, a declaration of artificial color or flavor and chemical preservatives, if found in the food and if the food is made from two or more ingredients; and
 - (3) The name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient.

6. Bulk, unpackaged foods, including, without limitation, bakery products and unpackaged foods that are portioned to consumer specification, need not be labeled if:

- (a) A health, nutrient content or other claim is not made;
- (b) There are no state or local laws requiring labeling; and
- (c) The food is manufactured or prepared on the premises of the food establishment or at another food establishment or a food processing establishment that is owned by the same person and is regulated by the health authority that has jurisdiction.

7. Upon review of a dietary supplement, a letter from the health authority will be issued which states that the labels have been reviewed for content only and that the health authority makes no implied or written warranty or guarantee as to the safety of these supplements. Labels for dietary supplements must include:

- (a) The name and place of business of the manufacturer, packer or distributor;
- (b) The name of the supplement;
- (c) The net quantity of the contents by capsule count;
- (d) The directions for use, including the quantity of supplement to be taken per day;
- (e) The supplement facts panel; and
- (f) Other ingredients in descending order of predominance.

8. In addition to the required labeling information, questionable and uncommon ingredients, including those listed by the manufacturer as "other ingredients," must be fully defined and explained, when requested by the health authority, to prove that the questionable ingredient is safe for use.

9. As used in this section, “major food allergen” means:

- (a) Milk, eggs, fish, such as bass, flounder, cod, crab, lobster and shrimp, tree nuts, such as almonds, pecans and walnuts, wheat, peanuts and soybeans; or
 - (b) A food ingredient that contains protein derived from a food described in paragraph (a).
- ➔ The term does not include any highly refined oil derived from a food described in paragraph (a) or any ingredient derived from such a highly refined oil.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.188 Consumer warnings; dating information. ([NRS 439.200](#), [446.940](#))

- 1. If required by law, consumer warnings must be provided.
- 2. Food establishment or manufacturers’ dating information on foods may not be concealed or altered.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.189 Disclosure and reminder regarding consumption of raw or undercooked animal food. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in this chapter, if an animal food, including, without limitation, beef, eggs, fish, lamb, milk, pork, poultry or shellfish, is served or sold raw, undercooked or without otherwise being processed to eliminate pathogens, either as a ready-to-eat food or as an ingredient in another ready-to-eat food, the permit holder shall inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and reminder, as specified in subsections 2 and 3, using brochures, deli case or menu advisories, label statements, table tents, placards or other effective written means.

2. The disclosure required pursuant to this section must include:

- (a) A description of the animal-derived foods, including, without limitation, “oysters on the half shell” (raw oysters), “Caesar salad” (dressed with raw egg dressing), and “hamburgers” (those that can be cooked to order); or
- (b) Identification of the animal-derived foods by asterisking them to a footnote which states that the items are served raw or undercooked, or that the items contain raw or undercooked ingredients.

3. A reminder required pursuant to this section must include asterisking the animal-derived foods requiring disclosure to a footnote which states that:

- (a) Regarding the safety of these items, written information is available upon request;
- (b) Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness; or
- (c) Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.191 Discarding or reconditioning of unsafe or contaminated food. ([NRS 439.200](#), [446.940](#))

- 1. A food that is unsafe, adulterated or not honestly presented must be discarded or reconditioned according to an approved procedure.
- 2. Food that is not from an approved source must be discarded.
- 3. Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded must be discarded.

4. Food that is contaminated by food employees, consumers or other persons through contact with their hands, bodily discharges, including, without limitation, nasal or oral discharges, or other means must be discarded.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.192 Service of food to highly susceptible population. ([NRS 439.200](#), [446.940](#)) In a food establishment that serves a highly susceptible population:

1. The following criteria apply to juice:

- (a) For the purposes of this subsection, children who are 9 years of age or less and who receive food in a school, day care setting or similar facility that provides custodial care, are included as highly susceptible populations;
- (b) Prepackaged juice or a prepackaged beverage containing juice that bears a warning label as specified in 21 C.F.R. § 101.17(g), “Food labeling warning, notice, and safe handling statements,” juice that has not been specifically processed to prevent, reduce or eliminate the presence of pathogens, or packaged juice or a beverage containing juice that bears a warning label as described in this paragraph may not be served or offered for sale; and
- (c) Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form must be processed under an HACCP plan preapproved by the health authority, including, without limitation, provisions found in 21 C.F.R. Part 120, “Hazard Analysis and Critical Control Point (HACCP) Systems,” including, without limitation, Subpart B, “Pathogen Reduction,” and 21 C.F.R. § 120.24, “Process controls.”

2. Pasteurized eggs or egg products must be substituted for raw eggs in the preparation of:

- (a) Foods, including, without limitation, Caesar salad, hollandaise or béarnaise sauce, mayonnaise, meringue,

egg nog, ice cream and egg-fortified beverages; and

(b) Except as otherwise provided in subsection 6, recipes or preparations in which more than one egg is broken and the eggs are combined.

3. The following foods may not be served or offered for sale in a ready-to-eat form:

(a) Raw animal foods, including, without limitation, raw fish, raw marinated fish, raw molluscan shellfish and steak tartare;

(b) A partially cooked animal food, including, without limitation, lightly cooked fish, rare meat, soft-cooked eggs made from raw eggs and meringue; and

(c) Raw seed sprouts.

4. Food employees may not contact ready-to-eat food with bare hands.

5. Time only as the public health control may not be used for raw eggs.

6. Paragraph (b) of subsection 2 does not apply if:

(a) The raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified under this chapter and served immediately, including, without limitation, as an omelet, soufflé or scrambled eggs;

(b) The raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin or bread; or

(c) The preparation of the food is conducted under an HACCP plan which:

(1) Identifies the food to be prepared;

(2) Prohibits contacting ready-to-eat food with bare hands;

(3) Includes specifications and practices that ensure:

(I) *Salmonella enteritidis* growth is controlled before and after cooking; and

(II) *Salmonella enteritidis* is destroyed by cooking the eggs according to the temperature and time specified in this chapter;

(4) Contains the information in an approved HACCP plan, including procedures that:

(I) Control cross-contamination of ready-to-eat food with raw eggs; and

(II) Delineate cleaning and sanitization procedures for food-contact surfaces; and

(5) Describes the training program which ensures that the food employee responsible for the preparation of the food understands the procedures to be used.

7. Except as otherwise provided in subsection 8, food may be re-served provided that it is not potentially hazardous (time/temperature control for safety food) and may be re-served from one consumer to another if:

(a) The food is dispensed so that it is protected from contamination and the container is closed between uses, including, without limitation, a narrow-neck bottle containing catsup, steak sauce or wine; or

(b) The food, including, without limitation, crackers, salt or pepper, is in an unopened original package and is maintained in sound condition.

8. Food must not be re-served under the following conditions:

(a) Any food served to patients or clients who are under contact precautions in medical isolation or quarantine or protective environment isolation must not be re-served to others outside the isolation or quarantine.

(b) Packages of food from any patients, clients or other consumers must not be re-served to persons in protective environment isolation.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

EQUIPMENT AND UTENSILS

NAC 446.201 Design and construction. ([NRS 439.200](#), [446.940](#)) Equipment and utensils must be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.202 Materials used in construction of utensils and food-contact surfaces of equipment. ([NRS 439.200](#), [446.940](#)) Materials that are used in the construction of utensils and food-contact surfaces of equipment must not allow the migration of deleterious substances or impart colors, odors or tastes to food, and under normal use conditions must be:

1. Safe;

2. Durable, corrosion-resistant and nonabsorbent;

3. Sufficient in weight and thickness to withstand repeated warewashing;

4. Finished to have a smooth, easily cleanable surface; and

5. Resistant to pitting, chipping, crazing, scratching, scoring, distortion and decomposition.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.203 Cast iron. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsections 2 and 3, cast iron may not be used for utensils or food-contact surfaces of equipment.
 2. Cast iron may be used as a surface for cooking.
 3. Cast iron may be used in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.204 Lead. ([NRS 439.200](#), [446.940](#))

1. Ceramic, china and crystal utensils, and decorative utensils, including, without limitation, hand-painted ceramic or china that are used in contact with food, must be lead-free or contain levels of lead not exceeding the limits of the following utensil categories:

Utensil Category	Ceramic Article Description	Maximum Lead (mg/L)
Beverage Mugs, Cups and Pitchers	Coffee Mugs	0.5
Large Hollowware (excluding pitchers)	Bowls \geq 1.16 Quart (1 Liter)	1.0
Small Hollowware (excluding cups and mugs)	Bowls $<$ 1.16 Quart (1 Liter)	2.0
Flat Tableware	Plates and Saucers	3.0

2. Pewter alloys containing lead in excess of 0.05 percent may not be used as a food-contact surface.
 3. Solder and flux containing lead in excess of 0.2 percent may not be used as a food-contact surface.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.206 Copper and copper alloys. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2, copper and copper alloys, including, without limitation, brass, may not be used in contact with a food that has a pH below 6, such as vinegar, fruit juice or wine, or for a fitting or tubing installed between a backflow prevention assembly and a carbonator.
 2. Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the prefermentation and fermentation steps of a beer brewing operation, including, without limitation, a brewpub or microbrewery.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.207 Galvanized metal. ([NRS 439.200](#), [446.940](#)) Galvanized metal may not be used for utensils or food-contact surfaces of equipment that are used in contact with acidic food.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.208 Sponges. ([NRS 439.200](#), [446.940](#)) Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.209 Wood and wood wicker. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsections 2 and 3, wood and wood wicker may not be used as a food-contact surface.
 2. Hard maple or an equivalently hard, close-grained wood may be used for:
 - (a) Cutting boards, cutting blocks, bakers' tables and utensils, including, without limitation, rolling pins, doughnut dowels, salad bowls and chopsticks; and
 - (b) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 230°F (110°C) or above.
 3. Whole, uncut, raw fruits and vegetables and nuts in the shell may be kept in the wood shipping containers in which they were received until the fruits, vegetables or nuts are used.
 4. If the nature of the food requires the removal of rinds, peels, husks or shells before consumption, the whole, uncut, raw food may be kept in:
 - (a) Untreated wood containers; or
 - (b) Treated wood containers if the containers are treated with a preservative that meets the federal standards specified in 21 C.F.R. § 178.3800, "Preservatives for wood."
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.216 Mollusk and crustacean shells. ([NRS 439.200](#), [446.940](#)) Mollusk and crustacean shells may not be used more than once as serving containers.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.217 Multiuse kitchenware. ([NRS 439.200](#), [446.940](#)) Multiuse kitchenware, including, without limitation, frying pans, griddles, sauce pans, cookie sheets and waffle bakers that have a perfluorocarbon resin coating, must be used with nonscoring or nonscratching utensils and cleaning aids.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.218 Exposed nonfood-contact surfaces of equipment. ([NRS 439.200](#), [446.940](#)) Nonfood-contact surfaces of equipment which are exposed to splash, spillage or other food soiling or which require frequent cleaning must be constructed of a corrosion-resistant, nonabsorbent and smooth material.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.219 Single-service and single-use articles: Materials used. ([NRS 439.200](#), [446.940](#)) Materials that are used to make single-service and single-use articles:

1. Must not:
 - (a) Allow the migration of deleterious substances; or
 - (b) Impart colors, odors or tastes to food; and
2. Must be:
 - (a) Safe; and
 - (b) Clean.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.221 Single-service and single-use articles: Reuse prohibited. ([NRS 439.200](#), [446.940](#)) Single-service and single-use articles must not be reused.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.222 Multiuse food-contact surfaces. ([NRS 439.200](#), [446.940](#))

1. Multiuse food-contact surfaces must be:
 - (a) Smooth;
 - (b) Free of breaks, open seams, cracks, chips, inclusions, pits and similar imperfections;
 - (c) Free of sharp internal angles, corners and crevices;
 - (d) Finished to have smooth welds and joints; and
 - (e) Except as otherwise provided in subsection 2, accessible for cleaning and inspection by one of the following methods:
 - (1) Without being disassembled;
 - (2) Disassembling without the use of tools; or
 - (3) Easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel, including, without limitation, screwdrivers, pliers, open-end wrenches and Allen wrenches.
2. The provisions of paragraph (e) of subsection 1 do not apply to cooking oil storage tanks, distribution lines for cooking oils, or beverage syrup lines or tubes.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.223 CIP equipment. ([NRS 439.200](#), [446.940](#))

1. CIP equipment must be designed and constructed so that:
 - (a) Cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces; and
 - (b) The system is self-draining or capable of being completely drained of cleaning and sanitizing solutions; and
2. CIP equipment that is not designed to be disassembled for cleaning must be designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.224 "V" type threads. ([NRS 439.200](#), [446.940](#)) Except for hot oil cooking or filtering equipment, "V" type threads may not be used on food-contact surfaces.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.226 Hot oil filtering equipment. ([NRS 439.200](#), [446.940](#)) Hot oil filtering equipment must meet industry standards for construction and cleaning and must be readily accessible for filter replacement and cleaning of the filter.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.227 Can openers. ([NRS 439.200](#), [446.940](#)) Cutting or piercing parts of can openers must be readily removable for cleaning and for replacement.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.228 Nonfood-contact surfaces. ([NRS 439.200](#), [446.940](#)) Nonfood-contact surfaces must be free of unnecessary ledges, projections and crevices, and be designed and constructed to allow easy cleaning and to facilitate maintenance.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.229 Kick plates. ([NRS 439.200](#), [446.940](#)) Kick plates must be designed so that the areas behind them are accessible for inspection and cleaning by being easily removable or capable of being rotated open without unlocking equipment doors, if any.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.231 Filters and grease extracting equipment. ([NRS 439.200](#), [446.940](#)) Filters or other grease extracting equipment must be designed to be readily removable for cleaning and replacement if not designed to be cleaned-in-place.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.232 Food temperature measuring devices: Construction. ([NRS 439.200](#), [446.940](#)) Food temperature measuring devices may not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating, including, without limitation, candy thermometers, may be used.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.233 Food temperature measuring devices: Availability. ([NRS 439.200](#), [446.940](#))

1. Food temperature measuring devices must be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures.

2. A food temperature measuring device with a suitable small diameter probe that is designed to measure the temperature of thin masses must be provided and readily accessible to accurately measure the temperature in thin foods, including, without limitation, meat patties and fish filets.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.234 Food temperature measuring devices: Accuracy. ([NRS 439.200](#), [446.940](#))

1. Food temperature measuring devices that are scaled only in Celsius (°C) or dually scaled in Celsius and Fahrenheit must be accurate to plus or minus 1°C in the intended range of use.

2. Food temperature measuring devices that are scaled only in Fahrenheit must be accurate to plus or minus 2°F in the intended range of use.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.236 Ambient air and water temperature measuring devices. ([NRS 439.200](#), [446.940](#))

1. Ambient air and water temperature measuring devices that are scaled in Celsius (°C) or dually scaled in Celsius and Fahrenheit must be designed to be easily readable and accurate to plus or minus 1.5°C in the intended range of use.

2. Ambient air and water temperature measuring devices that are scaled only in Fahrenheit must be accurate to plus or minus 3°F in the intended range of use.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.237 Temperature measuring devices for certain equipment. ([NRS 439.200](#), [446.940](#))

1. In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device must be located to measure the air temperature or a simulated product temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.

2. Except as otherwise provided in subsection 3, cold or hot holding equipment used for potentially hazardous food (time/temperature control for safety food) must be designed to include, and must be equipped with, at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.

3. The provisions of subsection 2 do not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type and use of the equipment, including, without limitation, calrod units, heat lamps, cold plates, bainmaries, steam tables, insulated food transport containers and salad bars.

4. Temperature measuring devices must be designed to be easily readable.

5. Food temperature measuring devices and water temperature measuring devices on warewashing machines must have a numerical scale, printed record or digital readout in increments no greater than 2°F or 1°C in the intended range of use.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.238 Utensils and temperature measuring devices: Maintenance. ([NRS 439.200](#), [446.940](#))

1. Utensils must be:

- (a) Maintained in a state of repair or condition that complies with the requirements of this chapter; or
- (b) Discarded.

2. Food temperature measuring devices must be calibrated in accordance with the manufacturer's specifications as necessary to ensure their accuracy.

3. Ambient air temperature measuring devices, water pressure measuring devices and water temperature measuring devices must be:

- (a) Maintained in good repair; and
- (b) Accurate within the intended range of use.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.239 Exhaust ventilation hood systems. ([NRS 439.200](#), [446.940](#)) Exhaust ventilation hood systems in food preparation and warewashing areas, including, without limitation, components such as hoods, fans, guards and ducting, must be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.241 Equipment compartments subject to accumulation of moisture. ([NRS 439.200](#), [446.940](#)) Equipment compartments that are subject to accumulation of moisture because of conditions such as condensation, food or beverage drip or water from melting ice must be sloped to an outlet that allows complete draining.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.242 Equipment coverings, lids, openings and joints. ([NRS 439.200](#), [446.940](#))

1. A cover or lid for equipment must overlap the opening and be sloped to drain.

2. An opening located within the top of a unit of equipment that is designed for use with a cover or lid must be flanged upward at least 2/10 inch (5 millimeters).

3. Except as otherwise provided in subsection 4, fixed piping, temperature measuring devices, rotary shafts and other parts extending into equipment must be provided with a watertight joint at the point where the particular item enters the equipment.

4. If a watertight joint is not provided:

- (a) The piping, temperature measuring devices, rotary shafts and other parts extending through the openings must be equipped with an apron designed to deflect condensation, drips and dust from the openings into the food; and
- (b) The opening must be flanged as provided pursuant to subsection 2.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.243 Equipment that dispenses or vends liquid food or ice in unpackaged form. ([NRS 439.200](#), [446.940](#)) In equipment that dispenses or vends liquid food or ice in an unpackaged form:

1. The delivery tube, chute, orifice and splash surfaces directly above the container receiving the food must be designed in a manner, including, without limitation, with barriers, baffles or drip aprons, so that drips from condensation and splashes are diverted from the opening of the container receiving the food.

2. The delivery tube or chute and orifice of the equipment must be protected from manual contact, such as by being recessed.

3. The delivery tube or chute and orifice of the equipment used to vend liquid food or ice in an unpackaged form to self-service consumers must be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents and other contamination by a self-closing door if the equipment is:

- (a) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents and other contaminants which are present in the environment; or
- (b) Available for self-service during hours when it is not under the full-time supervision of a food employee.

4. The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment must be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

5. Any dispensing equipment in which potentially hazardous food (time/temperature control for safety food) in a homogenous liquid form is maintained outside of the temperature control requirements as specified in this chapter must:

(a) Be specifically designed and equipped to maintain the commercial sterility of aseptically packaged food in a homogenous liquid form, for a specified duration, from the time of opening the packaging within the equipment; and

(b) Conform to the requirements for such equipment as specified in Standard 18-2006, "Manual Food and Beverage Dispensing Equipment," adopted by NSF International and the American National Standards Institute.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.244 Equipment containing bearings and gears that require lubricants. ([NRS 439.200, 446.940](#)) Equipment containing bearings and gears that require lubricants must be designed and constructed so the lubricant cannot leak, drip or be forced into food or onto food-contact surfaces.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.246 Beverage cooling devices. ([NRS 439.200, 446.940](#)) Except for cold plates that are constructed integrally with an ice storage bin, beverage tubing and cold-plate beverage cooling devices may not be installed in contact with stored ice.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.247 Liquid waste drain lines. ([NRS 439.200, 446.940](#)) Liquid waste drain lines may not pass through an ice machine or ice storage bin.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.248 Molluscan shellfish life-support system display tanks. ([NRS 439.200, 446.940](#))

1. Except as otherwise provided in subsection 2, molluscan shellfish life-support system display tanks may not be used to store or display shellfish which are offered for human consumption and must be conspicuously marked so it is obvious to the consumer that the shellfish are for display only.

2. Molluscan shellfish life-support system display tanks that are used to store or display shellfish which are offered for human consumption must be operated and maintained in accordance with approval of a waiver from the health authority and with an HACCP plan which:

(a) Is submitted by the permit holder and approved in advance by the health authority; and

(b) Ensures that:

(1) Water used with fish other than molluscan shellfish does not flow into the molluscan tank;

(2) The safety and quality of the shellfish as they were received are not compromised by the use of the tank; and

(3) The identity of the source of the shellstock is retained as specified in this chapter.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.249 Cased or overwrapped lot handling apparatuses. ([NRS 439.200, 446.940](#)) Apparatuses, including, without limitation, dollies, pallets, racks and skids used to store and transport large quantities of packaged foods received from a supplier in a cased or overwrapped lot, must be designed to be moved by hand or by conveniently available apparatuses such as hand trucks and forklifts.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.251 Food equipment: Compliance with chapter. ([NRS 439.200, 446.940](#)) Only food equipment that is certified or classified for sanitation by an American National Standards Institute accredited certification program is deemed to comply with the provisions of this chapter.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.252 Food equipment: Cooling, heating and holding capacities. ([NRS 439.200, 446.940](#)) Equipment for cooling and heating food, and holding cold and hot food, must be sufficient in number and capacity to provide food temperatures as specified in this chapter.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.253 Food dispensing utensils. ([NRS 439.200, 446.940](#)) A food dispensing utensil must be available for each container displayed at a consumer self-service unit, including, without limitation, a buffet or salad bar.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.254 Test kits and other devices for measuring sanitizing solutions. ([NRS 439.200, 446.940](#)) A test kit or other device that accurately measures the concentration in (ppm) of all sanitizing solutions must be provided.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

EQUIPMENT: LOCATION AND INSTALLATION

NAC 446.271 Storage cabinets; mechanical clothes washers and dryers: Location. ([NRS 439.200](#), [446.940](#))

1. A cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment and utensils, laundered linens, and single-service and single-use articles, may not be located:

- (a) In locker rooms;
- (b) In toilet rooms;
- (c) In garbage rooms;
- (d) In mechanical rooms;
- (e) Under sewer lines that are not shielded to intercept potential drips;
- (f) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- (g) Under open stairwells; or
- (h) Under other sources of contamination.

2. If a mechanical clothes washer or dryer is provided, it must be located so that the washer or dryer is protected from contamination and only where there is no exposed food, clean equipment, utensils and linens, and unwrapped single-service and single-use articles.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.273 Fixed equipment: Installation. ([NRS 439.200](#), [446.940](#))

1. Equipment that is fixed because it is not easily movable must be installed so that it is:

- (a) Spaced to allow access for cleaning along the sides, and behind and above the equipment;
- (b) Spaced from adjoining equipment, walls and ceilings at a distance of not more than 1/32 inch (1 millimeter); or
- (c) Sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.

2. Counter-mounted equipment that is not easily movable must be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:

- (a) Sealed; or
- (b) Elevated on legs.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.276 Fixed equipment: Elevation and clearance space. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsections 2 and 3, floor-mounted equipment that is not easily movable must be sealed to the floor or elevated on legs which provide a clearance of at least 6 inches (15 centimeters) between the floor and the equipment.

2. If no part of the floor under the floor-mounted equipment is more than 6 inches (15.24 centimeters) from the point of cleaning access, the clearance space may be only 4 inches (10.16 centimeters).

3. This section does not apply to display shelving units, display refrigeration units and display freezer units located in the consumer shopping areas of a retail food store if the floor under the units is maintained in a clean condition.

4. Except as otherwise provided in subsection 5, counter-mounted equipment that is not easily movable must be elevated on legs that provide a clearance of at least 4 inches (10.16 centimeters) between the table and the equipment.

5. The clearance space between the table and counter-mounted equipment may be:

- (a) Three inches (7.62 centimeters) if the horizontal distance of the tabletop under the equipment is not more than 20 inches (50.80 centimeters) from the point of access for cleaning; or
- (b) Two inches (5.08 centimeters) if the horizontal distance of the tabletop under the equipment is not more than 3 inches (7.62 centimeters) from the point of access for cleaning.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.277 Condenser units: Installation. ([NRS 439.200](#), [446.940](#)) If a condenser unit is an integral component of equipment, the condenser unit must be separated from the food and food storage space by a dustproof barrier.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.279 Maintenance and repair. ([NRS 439.200](#), [446.940](#))

1. Equipment must be maintained in a state of good repair and condition.

2. Equipment components, including, without limitation, doors, seals, hinges, fasteners and kick plates, must be kept intact, tight and adjusted in accordance with the manufacturer's specifications.

3. Cutting or piercing parts of can openers must be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

WAREWASHING AND WAREWASHING EQUIPMENT

NAC 446.301 Warewashing: Cleaning agents. ([NRS 439.200](#), [446.940](#)) When used for warewashing, the wash compartment of a sink, mechanical warewasher or wash receptacle of alternative manual warewashing equipment must contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner or other cleaning agent, according to the cleaning agent manufacturer's label instructions.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.302 Warewashing: Sanitizing solutions. ([NRS 439.200](#), [446.940](#)) The washing, rinsing and sanitizing solutions must be maintained clean.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.303 Warewashing: Chemical sanitizers. ([NRS 439.200](#), [446.940](#)) A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at approved exposure times must meet the sanitizer criteria specified in this chapter and must be used as follows:

1. A chlorine solution must have a minimum temperature based on the concentration and pH of the solution as listed in the following chart:

Minimum Concentration	Minimum Temperature	
	pH 10 or less °F (°C)	pH 8 or less °F (°C)
mg/L		
25	120°F (48.9°C)	120°F (48.9°C)
50	100°F (37.8°C)	75°F (23.9°C)
100	55°F (12.8°C)	55°F (12.8°C)

2. An iodine solution must have:

(a) A minimum temperature of 68°F (20°C);

(b) A pH of 5.0 or less or a pH not higher than the level for which the manufacturer specifies the solution is effective; and

(c) A concentration between 12.5 mg/L and 25 mg/L.

3. A quaternary ammonium compound solution must:

(a) Have a minimum temperature of 75°F (23.9°C);

(b) Have a concentration as indicated by the manufacturer's use directions included in the labeling; and

(c) Be used only in water with 500 mg/L hardness or less, or in water having a hardness not greater than specified by the manufacturer's label.

4. If another solution of a chemical specified in subsection 1, 2 or 3 is used, the permit holder must demonstrate to the health authority that the solution achieves sanitization and the use of the solution must be approved.

5. If a chemical sanitizer other than chlorine, iodine or a quaternary ammonium compound is used, the sanitizer must be applied in accordance with the manufacturer's directions for use included in the labeling.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.304 Warewashing machines: Data plates. ([NRS 439.200](#), [446.940](#)) A warewashing machine must be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operation specifications including the:

1. Temperatures required for washing, rinsing and sanitizing;

2. Pressure required for the fresh water sanitizing rinse, unless the machine is designed to use only a pumped sanitizing rinse; and

3. Conveyor speed for conveyor machines or cycle time for stationary rack machines.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.306 Warewashing machines: Wash and rinse tanks. ([NRS 439.200](#), [446.940](#)) Warewashing machine wash and rinse tanks must be equipped with baffles, curtains or other means to minimize internal cross-contamination of the solutions in wash and rinse tanks.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.307 Warewashing machines: Ventilation hood systems and devices. ([NRS 439.200](#), [446.940](#)) Ventilation hood systems and devices must be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.308 Warewashing machines: Temperature measuring devices. ([NRS 439.200](#), [446.940](#)) A warewashing machine must be equipped with a temperature measuring device that indicates the temperature of the

water:

1. In each wash and rinse tank; and
 2. As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.309 Warewashing machines: Dispensing of detergents and sanitizers. ([NRS 439.200](#), [446.940](#)) A warewashing machine that is installed after December 18, 2013, must be equipped to:

1. Automatically dispense detergents and sanitizers; and
2. Incorporate a visual means to verify that detergents and sanitizers are delivered or a visual or audible alarm to signal if the detergents and sanitizers are not delivered to the respective washing and sanitizing cycles.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.311 Warewashing machines: Hot water sanitizing rinse. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2:
 - (a) Warewashing machines that provide a fresh hot water sanitizing rinse must be equipped with a pressure gauge or similar device, including, without limitation, a transducer, which measures and displays the water pressure in the supply line immediately before entering the warewashing machine; and
 - (b) If the flow-pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device must be mounted in a 1/4 inch or 6.4 millimeter Iron Pipe Size (IPS) valve.
2. Subsection 1 does not apply to a machine that uses only a pumped or recirculated sanitizing rinse.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.312 Warewashing machines: Operation and maintenance. ([NRS 439.200](#), [446.940](#))

1. A warewashing machine and its auxiliary components must be operated in accordance with the machine's data plate and other manufacturer's instructions.
2. A warewashing machine's conveyor speed or automatic cycle times must be maintained so as to be accurately timed in accordance with the manufacturer's specifications.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.313 Warewashing machines: Loading of soiled items. ([NRS 439.200](#), [446.940](#)) Soiled items to be cleaned in a warewashing machine must be loaded into racks, trays or baskets or onto conveyors in a position that:

1. Exposes the items to the unobstructed spray from all cycles; and
2. Allows the items to drain.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.314 Mechanical warewashing: Temperature of hot water sanitizing rinse. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2, in a mechanical operation the temperature of the fresh hot water sanitizing rinse as it enters the manifold must not be more than 194°F (90°C) or less than:

- (a) For a stationary rack, single temperature machine, 165°F (73.9°C); or
- (b) For all other machines, 180°F (82.2°C).

2. The maximum temperature specified in subsection 1 does not apply to high pressure and temperature systems with wand-type, handheld spraying devices used for the in-place cleaning and sanitizing of equipment, including, without limitation, meat saws.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.316 Mechanical warewashing equipment: Flow pressure of hot water sanitizing rinse. ([NRS 439.200](#), [446.940](#)) The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control valve must be within the range specified on the machine manufacturer's data plate and may not be less than 5 pounds per square inch (35 kilopascals) or more than 30 pounds per square inch (200 kilopascals).

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.317 Mechanical warewashing equipment: Pressure measuring devices for hot water sanitizing rinse. ([NRS 439.200](#), [446.940](#)) Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse must have increments of 1 pound per square inch (7 kilopascals) or smaller and must be accurate to plus or minus 2 pounds per square inch (plus or minus 14 kilopascals) in the 15 to 25 pounds per square inch (100-170 kilopascals) range.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.319 Mechanical warewashing equipment: Spray-type warewashers. ([NRS 439.200](#), [446.940](#))

1. The temperature of the wash solution in spray-type warewashers that use hot water to sanitize may not be less than:

- (a) For a stationary rack, single temperature machine, 165°F (73.9°C);
- (b) For a stationary rack, dual temperature machine, 150°F (65.6°C);
- (c) For a single tank, conveyor, dual temperature machine, 160°F (71.1°C); or
- (d) For a multitank, conveyor, multitemperature machine, 150°F (65.6°C).

2. The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize may not be less than 120°F (48.9°C).

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.321 Manual warewashing: Temperature of wash solution. ([NRS 439.200](#), [446.940](#)) The temperature of the wash solution in manual warewashing equipment must be maintained at not less than 110°F (43.3°C) or the temperature specified on the cleaning agent manufacturer's label instructions.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.322 Manual warewashing: Detergent-sanitizers. ([NRS 439.200](#), [446.940](#)) If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step must be the same detergent-sanitizer that is used in the washing step.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.323 Manual warewashing: Temperature for hot water sanitizing. ([NRS 439.200](#), [446.940](#)) If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water must be maintained at 171°F (77.2°C) or above.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.324 Manual warewashing equipment: Requirements for hot water sanitizing. ([NRS 439.200](#), [446.940](#)) If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink must be:

1. Designed with an integral heating device that is capable of maintaining water at a temperature not less than 171°F (77.2°C); and

2. Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.326 Manual warewashing equipment: Methods for determining concentration of sanitizing rinse. ([NRS 439.200](#), [446.940](#)) Concentration of the sanitizing solution must be accurately determined by using a test kit, test strips or other approved device.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.327 Manual warewashing equipment: Temperature measuring devices. ([NRS 439.200](#), [446.940](#)) In manual warewashing operations, a temperature measuring device must be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.328 Manual warewashing equipment: Sinks; alternative equipment. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 3, a sink with at least three compartments must be provided for manually washing, rinsing and sanitizing equipment and utensils.

2. Sink compartments must be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment, as provided in subsection 3, must be used.

3. Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved by the health authority. Alternative manual warewashing equipment may include:

- (a) High-pressure detergent sprayers;
- (b) Low- or line-pressure spray detergent foamers;
- (c) Other task-specific cleaning equipment;
- (d) Brushes or other implements;
- (e) Two-compartment sinks in accordance with the requirements of subsections 4 and 5; and
- (f) Receptacles that substitute for the compartments of a multicompartment sink.

4. Before a two-compartment sink is used:

- (a) The permit holder must have its use approved; and

(b) The permit holder must limit the number of kitchenware items cleaned and sanitized in the two-compartment sink, and must limit warewashing to batch operations for cleaning kitchenware, such as between cutting one type of raw meat and another, or cleanup at the end of a shift and must:

(1) Make up the cleaning and sanitizing solutions immediately before use and drain them immediately after use; and

(2) Use a:

(I) Detergent-sanitizer to sanitize and must apply the detergent-sanitizer in accordance with the manufacturer's label instructions and as specified under this chapter; or

(II) Hot water sanitization immersion step as specified under this chapter.

5. A two-compartment sink must not be used for warewashing operations in which cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.329 Alternative manual warewashing: Procedure. ([NRS 439.200](#), [446.940](#)) If washing in sink compartments or a warewashing machine is impractical, such as when the equipment is fixed or the utensils are too large, washing must be done by using alternative manual warewashing equipment as follows:

1. Equipment must be disassembled as necessary to allow access of the detergent solution to all parts;

2. Equipment components and utensils must be scraped or rough cleaned to remove food particle accumulation; and

3. Equipment and utensils must be washed with an approved method.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.331 Warewashing sinks. ([NRS 439.200](#), [446.940](#))

1. A warewashing sink must not be used for handwashing.

2. If a warewashing sink is used to wash wiping cloths, wash produce or thaw food, the sink must be cleaned and sanitized before and after each such use.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.332 Warewashing sinks and drain boards. ([NRS 439.200](#), [446.940](#)) Sinks and drain boards of warewashing sinks and machines must be integrated and self-draining.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.333 Space required for utensil holding before cleaning and after sanitizing. ([NRS 439.200](#), [446.940](#)) Drain boards, utensil racks or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation must be provided for necessary utensil holding before cleaning and after sanitizing.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

EQUIPMENT, UTENSILS AND SURFACES: CLEANING

NAC 446.351 Single-use and single-service articles required when cleaning facilities not available. ([NRS 439.150](#), [439.200](#), [446.940](#)) A food establishment without facilities for cleaning and sanitizing kitchenware and tableware must provide or use only the following:

1. Single-use kitchenware;

2. Single-service articles;

3. Single-use articles for use by food employees; and

4. Single-service articles for use by consumers.

[Bd. of Health, Food Establishments Reg. Art. 5 § 5.5 subsec. 5.5.9, eff. 9-17-82]—(NAC A by R069-10, 12-18-2013)—(Substituted in revision for NAC 446.390)

NAC 446.352 Utensils and surfaces of equipment: General requirements. ([NRS 439.200](#), [446.940](#))

1. Utensils and food-contact surfaces of equipment must be clean to sight and touch.

2. The food-contact surfaces of cooking equipment and pans must be kept free of encrusted grease deposits and other soil accumulations.

3. The nonfood-contact surfaces of equipment must be kept free of an accumulation of dust, dirt, food residue and other debris.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.353 Equipment, food-contact surfaces and utensils: Cleaning frequency. ([NRS 439.200](#), [446.940](#))

1. Equipment, food-contact surfaces and utensils must be cleaned:

- (a) Except as otherwise provided in subsection 2, before each use of a different type of raw animal food, including, without limitation, beef, fish, lamb, pork or poultry;
- (b) Each time there is a change from working with raw foods to working with ready-to-eat foods;
- (c) Between uses with raw fruits and vegetables and with potentially hazardous food (time/temperature control for safety food);
- (d) Before using or storing a food temperature measuring device; and
- (e) At any time during the operation when contamination may have occurred.

2. The provisions of paragraph (a) of subsection 1 do not apply if the food-contact surface or utensil is in contact with a succession of different raw animal foods each requiring a higher cooking temperature than the previous food, including, without limitation, preparing raw fish followed by cutting raw poultry on the same cutting board.

3. Except as otherwise provided in subsection 4, if used with potentially hazardous food (time/temperature control for safety food), utensils and food-contact surfaces of equipment must be cleaned throughout the day not less frequently than every 4 hours.

4. Surfaces of utensils and equipment contacting potentially hazardous food (time/temperature control for safety food) may be cleaned less frequently than every 4 hours if:

- (a) In storage, containers of potentially hazardous food (time/temperature control for safety food) and their contents are maintained at required temperatures and the containers are cleaned when they are empty;
- (b) Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one of the temperatures set forth in subparagraph (1) and:

(1) The utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature:

Temperature	Cleaning Frequency
41°F (5.0°C) or below	24 hours
>42°F - 45°F (5.0°C - 7.2°C)	20 hours
>46°F - 50°F (7.2°C - 10°C)	16 hours
>51°F - 55°F (10°C - 12.8°C)	10 hours

(2) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the food establishment;

(c) Containers in serving situations, including, without limitation, salad bars, delicatessens and cafeteria lines, hold ready-to-eat potentially hazardous food (time/temperature control for safety food) that is maintained at approved temperatures, are intermittently combined with additional supplies of the same food that is at the required temperature and are cleaned at least once every 24 hours;

(d) Temperature measuring devices are maintained in contact with food, including, without limitation, when left in a container of deli food or in a roast, held at the required temperature;

(e) Equipment is used for storage of packaged or unpackaged food, including, without limitation, a reach-in refrigerator and the equipment is cleaned at a frequency necessary to preclude the accumulation of soil residues;

(f) The cleaning schedule is approved based on consideration of:

- (1) Characteristics of the equipment and its use;
 - (2) The type of food involved;
 - (3) The amount of food residue accumulation; and
 - (4) The temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease; or
- (g) In-use utensils are intermittently stored in a container of water in which the water is maintained at 135°F (57.2°C) or above and the utensils and container are cleaned at least once every 24 hours or at a frequency necessary to preclude the accumulation of soil residues.

5. Except when dry cleaning methods are used, surfaces of utensils and equipment contacting food that is not potentially hazardous food (time/temperature control for safety food) must be cleaned:

- (a) At any time when contamination may have occurred;
- (b) At least once every 24 hours for iced tea dispensers and consumer self-service utensils, including, without limitation, tongs, scoops or ladles;
- (c) Before restocking consumer self-service equipment and utensils, including, without limitation, condiment dispensers and display containers; and
- (d) In equipment, including, without limitation, ice bins and beverage dispensing nozzles, and enclosed components of equipment, such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders and water vending equipment:
 - (1) At a frequency specified by the manufacturer; or
 - (2) Absent the manufacturer's specifications, at a frequency necessary to preclude the accumulation of soil or

mold.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.354 Nonfood-contact surfaces of equipment: Cleaning frequency. ([NRS 439.200](#), [446.940](#)) The nonfood-contact surfaces of equipment must be cleaned at a frequency necessary to preclude the accumulation of soil residues.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.356 Cooking and baking equipment and microwave ovens: Cleaning frequency. ([NRS 439.200](#), [446.940](#))

1. The food-contact surfaces of cooking and baking equipment must be cleaned at least once every 24 hours. This subsection does not apply to hot oil cooking and filtering equipment if it is cleaned on an approved schedule.

2. The cavities and door seals of microwave ovens must be cleaned at least once every 24 hours by using the manufacturer's recommended cleaning procedure.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.357 Warewashing equipment: Cleaning frequency. ([NRS 439.200](#), [446.940](#)) A warewashing machine, the compartments of sinks, basins or other receptacles used for washing and rinsing equipment, utensils or raw foods, or laundering wiping cloths, and drain boards must be cleaned:

1. Before use;

2. Throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to ensure that the equipment performs its intended function; and

3. If used, at least once every 24 hours.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.358 Equipment and utensils: Precleaning. ([NRS 439.200](#), [446.940](#))

1. Food debris on equipment and utensils must be scraped over a waste disposal unit or garbage receptacle or must be removed in a warewashing machine with a prewash cycle.

2. If necessary for effective cleaning, utensils and equipment must be preflushed, presoaked or scrubbed with abrasives.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.359 Dry cleaning. ([NRS 439.200](#), [446.940](#))

1. If used, dry cleaning methods, including, without limitation, brushing, scraping and vacuuming, must contact only surfaces that are soiled with dry food residues that are not potentially hazardous food (time/temperature control for safety food).

2. Cleaning equipment used in dry cleaning food-contact surfaces may not be used for any other purpose.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.361 Utensils and food-contact surfaces of equipment: Washing procedures. ([NRS 439.200](#), [446.940](#))

1. Utensils and food-contact surfaces of equipment must be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary, including, without limitation, the application of detergents containing wetting agents and emulsifiers, acid, alkaline or abrasive cleaners, hot water, brushes, scouring pads, high-pressure sprays or ultrasonic devices.

2. The washing procedures selected pursuant to this section must be based on the type and purpose of the equipment or utensil and on the type of soil to be removed.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.362 Utensils and equipment: Rinsing procedures. ([NRS 439.200](#), [446.940](#)) Washed utensils and equipment must be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using one of the following procedures:

1. Use of a distinct, separate water rinse after washing and before sanitizing if using:

(a) A three-compartment sink;

(b) Alternative manual warewashing equipment equivalent to a three-compartment sink; or

(c) A three-step washing, rinsing and sanitizing procedure in a warewashing system for CIP equipment;

2. Use of a detergent-sanitizer if using:

(a) Alternative warewashing equipment that is approved for use with a detergent-sanitizer; or

(b) A warewashing system for CIP equipment;

3. Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a two-compartment sink operation;

4. If using a warewashing machine that does not recycle the sanitizing solution as described in subsection 5 or alternative manual warewashing equipment such as sprayers, use of a nondistinct water rinse that is:

- (a) Integrated in the application of the sanitizing solution; and
- (b) Wasted immediately after each application; or

5. If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.363 Utensils and food-contact surfaces of equipment: Sanitizing required before use. ([NRS 439.200](#), [446.940](#)) Utensils and food-contact surfaces of equipment must be sanitized before use after cleaning.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.364 Utensils and food-contact surfaces of equipment: Sanitizing procedures. ([NRS 439.200](#), [446.940](#)) After being cleaned, utensils and food-contact surfaces of equipment must be sanitized in:

1. Hot water manual operations by immersion for at least 30 seconds with a temperature of 171°F (77.2°C) or above;

2. Hot water mechanical operations by being cycled through equipment that is set up according to the manufacturer's instructions and achieving a utensil surface temperature of 160°F (71.1°C) as measured by an irreversible registering temperature indicator; or

3. Chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing or pressure spraying methods, using a solution as specified on the manufacturer's label as approved by the United States Environmental Protection Agency, and by providing:

- (a) An exposure time of at least 10 seconds for a chlorine solution with approved concentrations and temperatures;
- (b) An exposure time of at least 30 seconds for other chemical sanitizing solutions; or

(c) An exposure time used in relationship with a combination of temperature, concentration and pH that, when evaluated for efficacy, yields approved levels of sanitization.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.366 Surfaces subject to scratching and scoring. ([NRS 439.200](#), [446.940](#)) Surfaces, including, without limitation, cutting blocks and boards, that are subject to scratching and scoring must be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.367 Refillable containers. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsections 2 and 3, returned empty containers intended for cleaning and refilling with food must be cleaned and refilled in a regulated food processing establishment.

2. A food-specific container for beverages may be refilled at a food establishment if:

(a) Only a beverage that is not a potentially hazardous food (time/temperature control for safety food) is to be refilled;

(b) The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food establishment;

(c) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;

(d) The consumer-owned container returned to the food establishment for refilling is refilled for sale or service only by or to the same consumer; and

(e) The container is refilled by:

(1) An employee of the food establishment; or

(2) The owner of the container if the beverage system includes a contamination-free transfer process that cannot be bypassed by the container owner.

3. Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

LAUNDERING

NAC 446.371 On-premises laundering. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2, if work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer must be provided and used.

2. If on-premises laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried in a manner which prevents contamination of food, equipment, utensils, linens, single-service articles and wiping cloths, a mechanical clothes washer and dryer need not be provided.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.372 Clean linens: Standards. ([NRS 439.200](#), [446.940](#)) Clean linens must be free from food residues and other soiling matter.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.373 Cleaning frequency. ([NRS 439.200](#), [446.940](#))

1. Linens that do not come in direct contact with food must be laundered between operations if they become wet, sticky or visibly soiled.
2. Cloth gloves must be laundered before being used when handling a different type of raw animal food, including, without limitation, beef, fish, lamb, pork or poultry.
3. Linens, napkins and cloth napkins must be laundered between each use.
4. Wet wiping cloths must be laundered daily.
5. Dry wiping cloths must be laundered as necessary to prevent the contamination of food and clean serving utensils.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.374 Storage of soiled linens. ([NRS 439.200](#), [446.940](#)) Soiled linens must be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent the contamination of food, clean equipment and utensils, and single-service and single-use articles.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.376 Mechanical washing of linens. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2, linens must be mechanically washed.
2. In food establishments in which only wiping cloths are laundered, the wiping cloths may be laundered in a mechanical washer, a sink designated only for laundering wiping cloths or a warewashing or food preparation sink that is cleaned with an approved method.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.377 On-premises laundry facilities. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2, laundry facilities on the premises of a food establishment must be used only for the washing and drying of items used in the operation of the establishment.
2. Separate laundry facilities located on the premises of a food establishment for the purpose of general laundering, including, without limitation, for institutions providing boarding and lodging, may also be used for laundering food establishment items.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

PROTECTION OF CLEAN EQUIPMENT, UTENSILS AND LINENS

NAC 446.381 Equipment and utensils: Air-drying required. ([NRS 439.200](#), [446.940](#)) After cleaning and sanitizing, equipment and utensils:

1. Must be air-dried or used after adequate draining before contact with food; and
2. May not be cloth-dried except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.382 Wiping cloths: Air-drying. ([NRS 439.200](#), [446.940](#)) Wiping cloths laundered in a food establishment that does not have a mechanical clothes dryer must be air-dried in a location and in a manner that prevents the contamination of food, equipment, utensils, linens, single-service and single-use articles and the wiping cloths. This section does not apply if wiping cloths are stored after laundering in a sanitizing solution.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.383 Food-contact surfaces which require lubrication. ([NRS 439.200](#), [446.940](#)) Lubricants must be applied to food-contact surfaces which require lubrication in a manner that does not contaminate the food-contact surfaces.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.384 Equipment reassembly. ([NRS 439.200](#), [446.940](#)) Equipment must be reassembled so that food-contact surfaces are not contaminated.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.386 Storage of cleaned and sanitized items. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 4, cleaned and sanitized equipment and utensils, laundered linens, and single-service and single-use articles must be stored:
 - (a) In a clean, dry location;
 - (b) Where they are not exposed to splashes, dust or other contamination; and
 - (c) At least 6 inches (15 centimeters) above the floor.
 2. Clean equipment and utensils must be stored as provided in subsection 1 and must be stored:
 - (a) In a self-draining position that allows air drying; and
 - (b) In a manner that is covered or inverted.
 3. Single-service and single-use articles must be stored as provided in subsection 1 and must be kept in the original protective package or stored by using other means that afford protection from contamination until used.
 4. Items that are kept in closed packages may be stored less than 6 inches (15 centimeters) above the floor on dollies, pallets, racks and skids that are designed to be easily movable.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.387 Storage of cleaned and sanitized items: Where prohibited. ([NRS 439.200](#), [446.940](#)) Cleaned and sanitized equipment and utensils, laundered linens, and single-service and single-use articles may not be stored:

1. In locker rooms;
 2. In toilet rooms;
 3. In garbage rooms;
 4. In mechanical rooms;
 5. Under sewer lines that are not shielded to intercept potential drips;
 6. Under leaking water lines, including leaking automatic fire sprinkler heads or under lines on which water has condensed;
 7. Under open stairwells; or
 8. Under other sources of contamination.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.388 Kitchenware and tableware. ([NRS 439.200](#), [446.940](#))

1. Single-service and single-use articles and cleaned and sanitized utensils must be handled, displayed and dispensed so that contamination of food- and lip-contact surfaces is prevented.
 2. Knives, forks and spoons that are not prewrapped must be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.
 3. Except as otherwise provided in subsection 2, single-service articles that are intended for food- or lip-contact must be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.389 Preset tableware. ([NRS 439.200](#), [446.940](#))

1. Tableware that is preset must be protected from contamination by being wrapped, covered or inverted.
 2. When tableware is preset, exposed or unused settings must be:
 - (a) Removed when a consumer is seated; or
 - (b) Cleaned and sanitized before further use if the settings are not removed when a consumer is seated.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.391 Removal and handling of soiled tableware. ([NRS 439.200](#), [446.940](#)) Soiled tableware must be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

WATER, WASTEWATER AND PLUMBING

NAC 446.395 Source of potable water; hot water generation and distribution systems; water under pressure. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. Potable water of a sufficient amount to meet the demands of a food establishment must be obtained from an approved source that is permitted by the Division of Environmental Protection of the State Department of Conservation and Natural Resources or the local administrative authority.
2. Hot water generation and distribution systems must be sufficient to meet the peak hot water demands throughout the food establishment.
3. Water under pressure must be provided to all fixtures, equipment and nonfood equipment that are required to use water, except that water supplied to a temporary food establishment or in response to a temporary interruption of a water supply need not be under pressure.

[Bd. of Health, Food Establishments Reg. Art. 6 §§ 6.1 & 6.2, eff. 9-17-82]—(NAC A 9-16-92; 5-23-96; 10-30-97; R069-10, 12-18-2013)

NAC 446.401 Bottled drinking water. ([NRS 439.200](#), [446.940](#)) Bottled drinking water used or sold in a food establishment must be obtained from approved sources.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.407 Alternative water supplies. ([NRS 439.200](#), [446.940](#))

1. Potable water must be made available for a mobile unit or for a temporary food establishment without a permanent water supply by:

- (a) A supply of containers of commercially bottled drinking water;
- (b) One or more closed portable water containers;
- (c) An enclosed vehicular water tank;
- (d) An on-premises water storage tank; or
- (e) Piping, tubing or hoses connected to an adjacent approved source.

2. In the event of an emergency which results in the temporary interruption of the water supply to a food establishment, the health authority may approve an alternative plan for water service to assure the protection of public health.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.412 Ornamental attractions of water. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. An ornamental attraction of water must be maintained in a clean condition to ensure that it is free from algae, fungal and bacterial growth, insects and other invertebrate organisms.

2. An ornamental attraction of water must be separated from an area in which a customer walks or sits by a partition, fence, planter, wall or other means approved by the health authority.

(Added to NAC by Bd. of Health, eff. 5-23-96)

NAC 446.415 Disposal of sewage. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. All sewage, including liquid waste, must be disposed of in a manner approved by the health authority.

2. Facilities for the disposal of sewage which do not use water, including nonsewered toilets, are prohibited except as permitted by the health authority for a temporary food establishment which is in a remote area or because of special situations.

[Bd. of Health, Food Establishments Reg. Art. 7, eff. 9-17-82]—(NAC A 5-23-96; R069-10, 12-18-2013)

NAC 446.420 Plumbing. ([NRS 439.150](#), [439.200](#), [446.940](#)) All plumbing, including individual sewage disposal system piping, must be:

1. Properly sized, installed and maintained in good repair by the owner of an establishment;
2. Composed of nontoxic materials;
3. Repaired in accordance with applicable state or local law; and
4. Approved by the health authority.

[Bd. of Health, Food Establishments Reg. Art. 8 § 8.1, eff. 9-17-82]—(NAC A 9-16-92; 5-23-96; R069-10, 12-18-2013)

NAC 446.421 Toilets. ([NRS 439.150](#), [439.200](#), [446.940](#))

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 this chapter, 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. Except as otherwise provided in subsection 3, a food establishment that provides public seating 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. If, in the judgment of the health authority, no risk to public health will be created and if site restrictions or architectural or historical preservation restrictions make the installation of two toilet rooms infeasible within the building, the food establishment may be permitted to install one toilet room for use by males, females and employees, provided that the total seating affiliated with the establishment, as described in subsection 2, does not exceed 15 total seats.

4. If the provisions of subsection 3 apply and the toilet facility serving the food establishment at any time fails or becomes otherwise inoperable, the food establishment must immediately cease operation, close for business and notify the health authority. The food establishment must remain closed until the health authority approves the food

establishment to reopen.

5. 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. 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.

7. Food establishments are not required to supply toilets within the facility if all of the following conditions are satisfied:

(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 handwashing sink is conveniently located as required by this chapter.

(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.

8. Where applicable, the number and type of required toilet facilities must be determined by the local building authority.

[Bd. of Health, Food Establishments Reg. Art. 9 § 9.1 subsecs. 9.1.1-9.1.5, eff. 9-17-82]—(NAC A 10-14-88; 9-16-92; 5-23-96; R069-10, 12-18-2013)—(Substituted in revision for NAC 446.445)

NAC 446.422 Toilets, urinals and fixtures. ([NRS 439.200](#), [446.940](#))

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

2. Fixtures must be kept clean and in good repair.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.423 Handwashing sinks: Generally. ([NRS 439.200](#), [446.940](#))

1. Each handwashing sink must have hot and cold water tempered by a mixing valve or combination faucet. The hot water must be at a temperature of at least 100°F (37.8°C).

2. A steam mixing valve may not be used at a handwashing sink.

3. Any faucet which closes automatically, closes slowly or is metered must provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

4. Handwashing sinks, dispensers for soap, devices for drying hands and all related fixtures must be easily cleanable and must be kept clean and in good repair.

5. An automatic handwashing facility must be installed in accordance with the manufacturer's instructions.

6. At least one handwashing sink for convenient use by employees must be installed in the food preparation area.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.424 Handwashing sinks: Availability and use. ([NRS 439.200](#), [446.940](#))

1. A supply of soap or detergent for cleaning hands and disposable towels or a hand drying device as specified in this chapter must be available at each handwashing sink.

2. A sign or poster that notifies food employees to wash their hands must be provided at all handwashing sinks used by food employees and must be clearly visible to all food employees.

3. Handwashing sinks must be accessible to employees at all times and may not be used for purposes other than washing hands.

4. If approved in advance by the health authority, when food exposure is limited and handwashing sinks are not conveniently available, including, without limitation, in some mobile food, vending machine or temporary food establishments, employees may use chemically treated towelettes for handwashing.

5. Unless otherwise approved in advance by the health authority, a sink used for food preparation or utensil washing or a cleaning sink may not be provided with handwashing aids or devices such as soap and towels.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.425 Systems for potable and nonpotable water. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. There may be no cross connection between:

(a) The supply of potable water; and

(b) Any water which is nonpotable, or may be nonpotable, or 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 backflow prevention assembly must be located so that it may be serviced and maintained.

5. A device, including, without limitation, a water treatment device or backflow preventer, must be scheduled for inspection and service in accordance with the manufacturer's instructions and as necessary to prevent device failure based on local water conditions. Records demonstrating inspection and service must be maintained by the person in charge.

6. If not provided with an air gap, a backflow prevention assembly consisting of two independent check valves with an intermediate vent to the atmosphere, preceded by a screen of not less than 100 mesh to 1 inch (100 mesh to 25.4 mm), must be installed upstream from a carbonating device and downstream from any copper in the water supply line.

7. A single or double check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention assembly has otherwise been provided.

8. The piping of a nonpotable water system must be durably identified so that it is readily distinguishable from piping that carries potable water.

[Bd. of Health, Food Establishments Reg. Art. 8 §§ 8.2-8.4, eff. 9-17-82]—(NAC A 10-14-88; 5-23-96; 1-30-98; R069-10, 12-18-2013)

NAC 446.426 Water conditioning devices. ([NRS 439.200](#), [446.940](#)) A water filter, screen and other water conditioning device installed on water lines must be designed and located to facilitate disassembly for periodic servicing and cleaning. A water filter element must be of the replaceable type.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.427 Mop sinks. ([NRS 439.200](#), [446.940](#)) At least one mop sink or one curbed cleaning facility equipped with a floor drain must be provided and conveniently located for the cleaning of mops or similar wet-floor cleaning tools and for the disposal of mop water and similar liquid waste. Lavatories or sinks normally used for preparing food or washing utensils or equipment may not be used for this purpose.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.428 Water reservoirs of fogging devices. ([NRS 439.200](#), [446.940](#))

1. A reservoir that is used to supply water to a device such as a produce fogger must be:

(a) Maintained in accordance with the manufacturer's specifications; and

(b) Cleaned in accordance with the manufacturer's specifications or according to the procedures set forth in subsection 2, whichever is more stringent.

2. Cleaning procedures must include at least the following steps and must be conducted at least once a week:

(a) Draining and complete disassembly of the water and aerosol contact parts;

(b) Brush-cleaning the reservoir, aerosol tubing and discharge nozzles with a suitable detergent solution;

(c) Flushing the complete system with water to remove the detergent solution and particulate accumulation; and

(d) Rinsing by immersing, spraying or swabbing the reservoir, aerosol tubing and discharge nozzles with at least 50 mg/L of hypochlorite solution.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.430 Grease traps and interceptors. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. If used, a grease trap or interceptor must be easily accessible for cleaning and not present a risk of contamination of food, food-contact surfaces, equipment or utensils, including during cleaning or pumping operations. Grease interceptors must be installed at any food establishment which generates grease that enters a sewer system and where deemed necessary by the health authority or sewer utility serving the establishment.

2. An interceptor for grease, rather than a grease trap, must be the preferred method for the interception of grease from a food establishment.

3. When the location of a food establishment, or other mitigating circumstances, makes the installation of a grease interceptor infeasible, the health authority may approve the use of a grease trap.

[Bd. of Health, Food Establishments Reg. Art. 8 § 8.5, eff. 9-17-82]—(NAC A 9-16-92; 5-23-96; 1-30-98; R069-10, 12-18-2013)

NAC 446.435 Drains and drainage systems. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. A direct connection must not exist between the sewage system and a drain originating from equipment in which food, portable equipment or utensils are placed, except where floor drains located in refrigerated spaces are constructed as an integral part of the applicable building.

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. 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.

4. All indirect waste piping must discharge into the drainage system of the applicable building through an airgap or airbreak. Where a drainage airgap is required by the health authority, the minimum vertical distance as measured from the lowest point of the indirect waste pipe or the fixture outlet to the flood-level rim of the receptor must not be less than 1 inch (25.4 mm).

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

6. As used in this section:

(a) "Airbreak" means a physical separation, including, without limitation, a low inlet into an indirect waste receptor from a fixture, appliance or other device indirectly connected thereto.

(b) "Drainage airgap" means the unobstructed vertical distance through the free atmosphere between:

(1) The lowest opening from a pipe, plumbing fixture, appliance or appurtenance conveying waste to a receptor; and

(2) The flood-level rim of the receptor.

[Bd. of Health, Food Establishments Reg. Art. 8 § 8.6, eff. 9-17-82]—(NAC A 9-16-92; 5-23-96; R069-10, 12-18-2013)

REFUSE, RECYCLABLES AND RETURNABLES

NAC 446.451 Indoor storage areas. ([NRS 439.200](#), [446.940](#)) If located within the food establishment, a storage area for refuse, recyclables and returnables must meet the requirements set forth by the health authority.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.452 Outdoor storage areas. ([NRS 439.200](#), [446.940](#))

1. An outdoor storage surface for refuse, recyclables and returnables must be smooth and durable, maintained in good repair and constructed of nonabsorbent material, including, without limitation, concrete or asphalt, unless otherwise approved by the health authority.

2. A drain must be installed in an outdoor solid-waste staging area when such an area is used:

(a) To store bin-type grease receptacles or compactors not equipped with leak-proof drainage containment compartments;

(b) To dispose of liquid waste; or

(c) To rinse or wet clean equipment, including, without limitation, solid waste containers, storage bins, floor mats, mops and similar items.

3. If approved by the health authority, off-premises based cleaning services for dumpsters and trash receptacle areas may be used if on-premises cleaning implements and supplies are not available on the premises. If a food establishment needs to use off-premises based cleaning services, a letter from the cleaning service specifying the agreed upon location and frequency of the cleaning operation must be provided to the health authority for verification.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.453 Outdoor enclosures. ([NRS 439.200](#), [446.940](#)) If used, an outdoor enclosure for refuse, recyclables and returnables must be constructed of durable and cleanable materials.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.454 Receptacles and waste handling units. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2, receptacles and waste handling units for refuse, recyclables and returnables, and for use with materials containing food residue, must be durable, cleanable, insect and rodent resistant, leak proof and nonabsorbent.

2. Plastic bags and wet-strength paper bags may be used to line receptacles for storage inside the food establishment or within closed outside receptacles.

3. Receptacles and waste handling units for refuse, recyclables and returnables, including, without limitation, an on-site compactor, must be installed so that the accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the receptacle or unit.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.456 Capacity and availability of storage rooms and areas, enclosures and receptacles. ([NRS 439.200](#), [446.940](#))

1. An inside storage room and area, an outside storage area and enclosure and receptacles must be of sufficient capacity to hold refuse, recyclables and returnables that accumulate.

2. A receptacle must be provided in each area of the food establishment or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.457 Covered receptacle required in certain toilet rooms. ([NRS 439.200](#), [446.940](#)) A toilet room used by females must be provided with a covered receptacle for sanitary napkins that is easily accessible from within the stall.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.458 Cleaning implements and supplies. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2, suitable cleaning implements and supplies, including, without limitation, high-pressure pumps, hot water, steam and detergent, must be provided as necessary for the effective cleaning of receptacles and waste handling units for refuse, recyclables and returnables.

2. If approved, off-premises based cleaning services may be used if on-premises cleaning implements and supplies are not provided on the premises.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.459 Location of storage areas, redeeming machines, receptacles and waste handling units. ([NRS 439.200](#), [446.940](#))

1. An area designated for refuse, recyclables and returnables and, except as otherwise provided in subsection 2, a redeeming machine for recyclables or returnables, must be located so that:

- (a) It is separate from food, equipment, utensils, linens, and single-service and single-use articles; and
- (b) A public health hazard or nuisance is not created.

2. A redeeming machine may be located in the packaged food storage area or consumer area of a food establishment if food, equipment, utensils, linens, and single-service and single-use articles are not subject to contamination from the machines and a public health hazard or nuisance is not created.

3. The location of receptacles and waste handling units for refuse, recyclables and returnables must not create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.461 Prohibitions on outside storage. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2, refuse receptacles not meeting the requirements specified in this chapter, including, without limitation, receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue, must not be stored outside.

2. Cardboard or other packaging material that does not contain food residue and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.462 Receptacles and waste handling units: Required covers. ([NRS 439.200](#), [446.940](#)) Receptacles and waste handling units for refuse, recyclables and returnables must be kept covered:

- 1. Inside the food establishment if the receptacles and units:
 - (a) Contain food residue and are not in continuous use; or
 - (b) After they are filled; and
- 2. By the use of tight-fitting lids or doors if kept outside the food establishment.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.463 Receptacles and waste handling units: Drain plugs. ([NRS 439.200](#), [446.940](#)) Drains in receptacles and waste handling units for refuse, recyclables and returnables must have drain plugs in place.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.464 Receptacles and waste handling units: Cleaning. ([NRS 439.200](#), [446.940](#))

1. Receptacles and waste handling units for refuse, recyclables and returnables must be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, or single-service and single-use articles, and wastewater must be disposed of as specified under this chapter.

2. Soiled receptacles and waste handling units for refuse, recyclables and returnables must be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.466 Maintenance of storage areas and enclosures. ([NRS 439.200](#), [446.940](#)) A storage area and enclosure for refuse, recyclables or returnables must be maintained free of unnecessary items.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.467 Frequency for removal. ([NRS 439.200](#), [446.940](#)) Refuse, recyclables and returnables must be removed from the premises at a frequency not to exceed 7 days to minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

PHYSICAL FACILITIES

NAC 446.551 Indoor surfaces. ([NRS 439.200](#), [446.940](#)) Materials for indoor floor, wall and ceiling surfaces under conditions of normal use must be:

1. Smooth, durable and easily cleanable for areas where food establishment operations are conducted;
2. Closely woven and easily cleanable carpet for carpeted areas; and
3. Nonabsorbent for areas subject to moisture, including, without limitation, food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile unit servicing areas and areas subject to flushing or spray cleaning methods.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.553 Outdoor surfaces. ([NRS 439.200](#), [446.940](#))

1. The outdoor walking and driving areas of a food establishment or food processing establishment must be surfaced with concrete, asphalt or gravel, or other materials that have been effectively treated to minimize dust, facilitate maintenance and prevent muddy conditions.

2. Exterior ground surfaces of buildings and mobile units must be of weather-resistant materials.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.557 Floors, walls and ceilings: Design, construction and installation. ([NRS 439.200](#), [446.940](#)) Except as specified under this chapter and except for antislip floor coverings or applications that may be used for safety reasons, floors, floor coverings, walls, wall coverings and ceilings must be designed, constructed and installed so they are smooth and easily cleanable.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.561 Exposed utility service lines and pipes. ([NRS 439.200](#), [446.940](#))

1. Exposed utility service lines and pipes must be installed so they do not obstruct or prevent the cleaning of floors, walls or ceilings.

2. Exposed horizontal utility service lines and pipes may not be installed on the floor.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.562 Floor and wall junctures. ([NRS 439.200](#), [446.940](#))

1. In a food establishment in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures must be coved and closed to no larger than 1/32 inch (1 mm).

2. The floors in a food establishment in which water flush cleaning methods are used must be provided with drains and be graded to drain, and the floor and wall junctures must be coved and sealed.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.563 Floor coverings. ([NRS 439.200](#), [446.940](#))

1. A floor covering such as carpeting or similar material must not be installed as a floor covering in food preparation areas, walk-in refrigerators, warewashing areas, toilet room areas where handwashing sinks, toilets and urinals are located, refuse storage rooms or other areas where the floor is subject to moisture, flushing or spray cleaning methods.

2. If carpeting is installed as a floor covering in areas other than those specified in subsection 1, it must be:

(a) Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method approved by the health authority; and

(b) Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or other means approved by the health authority.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.564 Mats and duckboards. (NRS 439.200, 446.940) Mats and duckboards must be designed to be removable and easily cleanable.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.566 Walls and ceilings: Covering materials. (NRS 439.200, 446.940)

1. Wall and ceiling covering materials must be attached so they are easily cleanable.
2. Except in dry storage areas, concrete, porous blocks or bricks used for indoor wall construction must be finished and sealed to provide a smooth, nonabsorbent and easily cleanable surface.
3. In all new food establishments, extensively remodeled food establishments or when required by the health authority due to an operator's inability to properly maintain smooth and easily cleanable surfaces, the splash zones on all walls must be constructed of a water-resistant material such as fibre-reinforced plastic (FRP).
4. As used in this section, "dry storage area" means a room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods, including, without limitation, single-service items.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.567 Walls and ceilings: Attachments. (NRS 439.200, 446.940)

1. Attachments to walls and ceilings, including, without limitation, light fixtures, mechanical room ventilation system components, vent covers, wall-mounted fans, decorative items and other attachments, must be easily cleanable.
2. In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambience need not meet the requirement set forth in subsection 1 if such items and attachments are kept clean.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.568 Studs, joists and rafters. (NRS 439.200, 446.940) Studs, joists and rafters may not be exposed in areas subject to moisture.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.569 Shelves. (NRS 439.150, 439.200, 446.940)

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 constructed of pressure-treated wood products which are impregnated or otherwise treated with chemicals to inhibit rotting or insect infestation must not be used in a food establishment.
 5. Shelving in a food establishment must not be covered or lined with cardboard, aluminum foil or contact paper.
- [Bd. of Health, Food Establishments Reg. Art. 5 § 5.1 subsec. 5.1.9, eff. 9-17-82]—(NAC A 9-16-92; R069-10, 12-18-2013)—(Substituted in revision for NAC 446.225)

NAC 446.571 Light bulbs: Required shielding. (NRS 439.200, 446.940)

1. Except as otherwise provided in subsection 2, light bulbs must be shielded, coated or otherwise shatter-resistant in areas where there is exposed food, clean equipment, utensils or linens, or unwrapped single-service or single-use articles.
2. Shielded, coated or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages if:
 - (a) The integrity of the packages cannot be affected by broken glass falling onto them; and
 - (b) The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.
3. An infrared or other heat lamp must be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.572 Heating, ventilation and air conditioning systems. (NRS 439.200, 446.940) Heating, ventilating and air conditioning systems must be designed and installed so that make-up air intake and exhaust vents do not cause contamination of food, food-contact surfaces, equipment or utensils.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.573 Outer openings. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in this section, the outer openings of a food establishment must be protected against the entry of insects and rodents by:

- (a) Filling or closing holes and other gaps along floors, walls and ceilings;
- (b) Closed, tight-fitting windows; and
- (c) Solid, self-closing and tight-fitting doors.

2. A food establishment may open into a larger structure, including, without limitation, a mall, airport or office building, or into an attached structure, such as a porch, if the outer openings from the larger or attached structure are protected against the entry of insects and rodents.

3. Exterior doors used as exits need not be self-closing if they are:

- (a) Solid and tight-fitting;
- (b) Designated for use only when an emergency exists by the fire protection authority that has jurisdiction over the food establishment; and
- (c) Limited-use so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.

4. Except as otherwise provided in subsections 2 and 5, if the windows or doors of a food establishment, or of a larger structure within which a food establishment is located, are kept open for ventilation or other purposes, or a temporary food establishment is not provided with windows and doors as specified in this chapter, the openings must be protected against the entry of insects and rodents by:

- (a) Sixteen mesh to 1 inch (16 mesh to 25.4 mm) screens;
- (b) Properly designed and installed air curtains to control flying insects; or
- (c) Other effective means approved by the health authority.

5. The provisions of subsection 4 do not apply if flying insects and other pests are absent due to the location of the food establishment, the weather or other limiting conditions.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.574 Perimeter walls and roofs. ([NRS 439.200](#), [446.940](#)) The perimeter walls and roofs of a food establishment must effectively protect the establishment from the weather and from the entry of insects, rodents and other animals.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.576 Private homes, residences and premises. ([NRS 439.200](#), [446.940](#))

1. A food establishment may not be located in a private home unless:

- (a) The food establishment can meet all the applicable provisions in this chapter;
- (b) A dedicated exterior entrance has been provided;
- (c) The areas used for conducting food-establishment operations are physically separated from the living or sleeping quarters by walls or self-closing doors; and
- (d) The areas used for food-establishment operations are not used as thoroughfares.

2. Except as otherwise provided in subsection 3, restrooms must be provided in accordance with this chapter.

3. If every employee of the food establishment resides in the private home, the restroom located within the private home may be used to meet the requirements of this chapter.

4. When a permit to operate is issued to a homeowner or resident of a home allowing the operation of a food establishment from a portion of a private residence, the portion of the private home, residence or their premises shall no longer be considered part of the private home or residence and shall be considered a food establishment, the operation of which is subject to all laws and regulations applicable to food establishments, including those requiring inspections.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.577 Living and sleeping quarters. ([NRS 439.200](#), [446.940](#)) Living or sleeping quarters located on the premises of a food establishment, including, without limitation, those provided for lodging registration clerks or resident managers, must be separated from rooms and areas used for food-establishment operations by complete partitioning and solid, self-closing doors.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.578 Light intensity. ([NRS 439.200](#), [446.940](#)) The light intensity must be:

1. At least 10 foot-candles (108 lux) at a distance of 30 inches (75 cm) above the floor in walk-in refrigeration units and dry-food storage areas and in other areas and rooms during periods of cleaning;

2. At least 20 foot-candles (215 lux):

- (a) At a surface where food is provided for consumer self-service, including, without limitation, buffets and salad

bars, or where fresh produce or packaged foods are sold or offered for consumption;

(b) Inside equipment such as reach-in and under-counter refrigerators; and

(c) At a distance of 30 inches (75 cm) above the floor in areas used for handwashing, warewashing and equipment and utensil storage, areas for garbage, refuse and recyclables and in toilet rooms; and

3. At least 50 foot-candles (540 lux) at a surface where an employee is working with food or working with utensils or equipment, including, without limitation, knives, slicers, grinders or saws, where employee safety is a factor.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.579 Mechanical ventilation. ([NRS 439.200](#), [446.940](#)) Where necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes, mechanical ventilation of sufficient capacity must be provided.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.580 Dressing and locker rooms. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. If employees routinely change clothes in the food 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 provided 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.

[Bd. of Health, Food Establishments Reg. Art. 15, eff. 9-17-82]—(NAC A 5-23-96; R069-10, 12-18-2013)

NAC 446.581 Handwashing sinks. ([NRS 439.200](#), [446.940](#))

1. Handwashing sinks must be easily accessible and located within 25 feet (7.62 meters) of all work stations and food preparation and warewashing areas.

2. All new food establishments and food establishments which are extensively remodeled must also have handwashing sinks located within the area used for the preparation of food.

3. Handwashing sinks must be located in or immediately adjacent to rooms with toilets or vestibules.

4. Sinks used for preparing food or for washing equipment or utensils may not be used for washing hands.

5. A supply of single-use towels or a device providing heated air for drying hands must be conveniently located near each handwashing sink. Hand blow dryers must not be used at handwashing sinks in food preparation or warewashing areas.

6. Shared towels are prohibited. If disposable towels are used, trash receptacles which can be easily cleaned must be conveniently located near the handwashing sink.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.582 Toilet rooms: Number and accessibility. ([NRS 439.200](#), [446.940](#))

1. Toilet rooms must be conveniently located and accessible to employees during all hours of operation.

2. A minimum of one employee restroom is required. Men's and women's restrooms are required and must include at least one urinal in the men's restroom for facilities that allow the on-site consumption of alcohol.

3. Restrooms must be conveniently located within 200 feet (60.96 meters) of all food-related areas and be accessible to employees and provide a written legal agreement if restrooms are shared with other facilities.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.583 Toilet rooms: Enclosure requirements. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in this section, 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.

2. Rooms with toilets that are not located immediately adjacent to dining room areas or not located in areas of food preparation or washing of equipment, utensils or tableware are not required to be completely enclosed with solid, tight-fitting doors that close automatically.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.584 Toilet rooms: Closure of doors. ([NRS 439.200](#), [446.940](#)) Except during cleaning and maintenance operations, toilet room doors must be kept closed.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.586 Areas designated for employee use. ([NRS 439.200](#), [446.940](#))

1. Areas designated for employees to eat, drink and use tobacco must be located so that food, equipment, linens,

and single-service and single-use articles are protected from contamination.

2. Lockers or other suitable facilities must be located in a designated room or area where contamination of food, equipment, utensils, linens, and single-service and single-use articles cannot occur.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.587 Storage of damaged, spoiled and recalled products. ([NRS 439.200](#), [446.940](#)) Products that are held by the permit holder for credit, redemption or return to the distributor, including, without limitation, damaged, spoiled or recalled products, must be segregated and held in designated areas that are separated from food, equipment, utensils, linens, and single-service and single-use articles.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.588 Physical facilities: Maintenance. ([NRS 439.200](#), [446.940](#)) The physical facilities of a food establishment must be maintained in good repair.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.589 Physical facilities: Cleaning frequency and restrictions. ([NRS 439.200](#), [446.940](#))

1. The physical facilities of a food establishment must be cleaned as often as necessary to keep them clean.

2. Except for cleaning that is necessary because of a spill or other accident, cleaning must be done during periods when the least amount of food is exposed, such as after closing.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.591 Floors: Methods for cleaning. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in this section, only dustless methods of cleaning must be used, including, without limitation, wet cleaning, vacuum cleaning, mopping with treated dust mops or sweeping using a broom and dust-arresting compounds.

2. Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:

(a) Without the use of dust-arresting compounds; and

(b) In the case of liquid spills or drippage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.592 Ventilation systems: Cleaning and maintenance. ([NRS 439.200](#), [446.940](#))

1. Intake and exhaust air ducts must be cleaned and filters changed so they are not a source of contamination by dust, dirt and other materials.

2. If vented to the outside, ventilation systems must not create a public health hazard.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.593 Prohibition on use of certain sinks and equipment for cleaning. ([NRS 439.200](#), [446.940](#)) Food preparation sinks, handwashing sinks and warewashing equipment must not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar liquid wastes.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.594 Drying of mops after use. ([NRS 439.200](#), [446.940](#)) After use, mops must be placed in a position that allows them to air-dry without soiling walls, equipment or supplies.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.596 Absorbent materials on floors: Limitations on use. ([NRS 439.200](#), [446.940](#)) Except as otherwise specified in this chapter, wood shavings, granular salt, baked clay, diatomaceous earth or similar materials must not be used on floors.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.597 Plumbing fixtures: Cleaning frequency. ([NRS 439.200](#), [446.940](#)) Plumbing fixtures, including, without limitation, handwashing sinks, toilets and urinals must be cleaned as often as necessary to keep them clean and maintained.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.598 Storage of maintenance tools; disposal of mop water. ([NRS 439.200](#), [446.940](#))

1. Maintenance tools, including, without limitation, brooms, mops, vacuum cleaners and similar items, must be:

(a) Stored so they do not contaminate food, equipment, utensils, linens, and single-service and single-use articles; and

- (b) Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.
 - 2. Water that has been used for mopping:
 - (a) Must 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.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.599 Premises to be kept free of unnecessary items and litter. ([NRS 439.200](#), [446.940](#)) The premises must be free of:

- 1. Items that are unnecessary to the operation or maintenance of the food establishment, including, without limitation, equipment that is nonfunctional or no longer used; and
 - 2. Litter.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.601 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 permit holder 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. Service animals accompanying persons with a visual, aural or physical disability, or trainers who are training service animals, are permitted in dining or sales areas.

- 3. Service animals are not allowed in shopping carts or on the benches, seats or tables of a food establishment.
- 4. Food handlers must not care for or handle any pets while on duty.
- 5. Live or dead fish bait must be stored separately from food or food products in retail stores.
- 6. Therapy and comfort animals are not allowed in food establishments.

[Bd. of Health, Food Establishments Reg. Art. 16 § 16.2 subsecs. 16.2.10 & 16.2.11, eff. 9-17-82]—(NAC A 10-14-88; 5-23-96; R069-10, 12-18-2013)—(Substituted in revision for NAC 446.625)

NAC 446.602 Control of pests. ([NRS 439.200](#), [446.940](#)) The presence of insects, rodents and other pests must be controlled to minimize their presence on the premises by:

- 1. Routinely inspecting incoming shipments of food and supplies;
- 2. Routinely inspecting the premises for evidence of pests;
- 3. Using methods, if pests are found, such as trapping devices or other means of pest control as specified in this chapter; and
- 4. Eliminating harborage conditions.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.603 Use of devices to electrocute flying insects. ([NRS 439.200](#), [446.940](#))

1. Devices designed to electrocute flying insects are acceptable for use at a food establishment if they are positioned so that dead insects are prevented from falling on exposed food, food contact surfaces, or clean equipment and utensils. The trays holding dead insects must be emptied at least weekly.

2. For the purposes of subsection 1, a device is properly positioned if the requirements of this subsection are met. Only devices mounted on a wall may be used. Ceiling units are not acceptable in areas where food, food contact surfaces, equipment or utensils are exposed. Devices must be installed:

- (a) So that the center of the device is not more than 3 feet (91 centimeters) above the floor.
- (b) Not closer than 5 feet (151 centimeters) from exposed food.
- 3. The following safety factors must be considered when purchasing or installing these devices:

- (a) The device must be accepted for testing, certified, listed and labeled by a nationally recognized testing laboratory such as Underwriters Laboratories Inc.
- (b) Arcing equipment must be isolated from combustible material.
- (c) Electrically charged parts must be guarded to prevent shock to persons working near the device.
- (d) The device must be properly grounded.
- (e) The device must be located or positioned so that employees are not required to work continuously within 3 feet (91 centimeters) of the device.

(Added to NAC by Bd. of Health, eff. 10-14-88)—(Substituted in revision for NAC 446.488)

NAC 446.604 Removal of dead or trapped pests. ([NRS 439.200](#), [446.940](#)) Dead or trapped birds, insects, rodents and other pests must be removed from control devices and the premises at a frequency that prevents their

accumulation, decomposition or the attraction of pests.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

POISONOUS AND TOXIC MATERIALS

NAC 446.611 Storage of rodent bait. ([NRS 439.200](#), [446.940](#)) Rodent bait must be contained in a covered, tamper-resistant bait station.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.612 Use of tracking-powder pesticides. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in subsection 2, a tracking-powder pesticide must not be used in a food establishment.

2. If used, a nontoxic tracking powder, including, without limitation, talcum or flour, must not contaminate food, equipment, utensils, linens, and single-service and single-use articles.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.613 Containers: Manufacturer's label required. ([NRS 439.200](#), [446.940](#)) Containers of poisonous or toxic materials and personal care items must bear a legible manufacturer's label identifying the product.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.614 Working storage containers: Identification of common name required. ([NRS 439.200](#), [446.940](#)) Working containers used for storing poisonous or toxic materials, including, without limitation, cleaners and sanitizers taken from bulk supplies, must be clearly and individually identified with the common name of the material.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.616 Storage containers: Restrictions on use. ([NRS 439.200](#), [446.940](#)) A container previously used to store poisonous or toxic materials must not be used to store, transport or dispense food, including, without limitation, ice.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.617 Storage for use. ([NRS 439.200](#), [446.940](#))

1. Poisonous or toxic materials must be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

(a) Separating the poisonous or toxic materials by spacing or partitioning; and

(b) Locating the poisonous or toxic materials in a location that is not above food, equipment, utensils, linens, or single-service or single-use articles.

2. The provisions of subsection 1 do not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.618 Storage and displays for retail sale. ([NRS 439.200](#), [446.940](#)) Poisonous or toxic materials must be stored and displayed for retail sale so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

1. Separating the poisonous or toxic materials by spacing or partitioning; and

2. Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens or single-service or single-use articles.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.619 Use and application. ([NRS 439.200](#), [446.940](#))

1. Poisonous or toxic materials must be:

(a) Used according to:

(1) The manufacturer's use directions included in the labeling and, for a pesticide, the manufacturer's label instructions which state that use is allowed in a food establishment; and

(2) The conditions of certification, if certification is required, for use of the pest control materials; and

(b) Applied so that:

(1) A hazard to employees or other persons is not constituted; and

(2) Contamination, including, without limitation, toxic residues because of drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles, is prevented, which, for a restricted-use pesticide, must be achieved by:

- (I) Removing the items;
- (II) Covering the items with impermeable covers or taking other appropriate preventive actions; and
- (III) Cleaning and sanitizing equipment and utensils after the application.

2. A restricted-use pesticide must meet the requirements specified under 40 C.F.R. Part 152, Subpart I, "Classification of Pesticides," and must be applied only by a person licensed in Nevada.

3. As used in this section, "restricted-use pesticide" means a pesticide product that is limited to use by or under the direct supervision of a certified applicator, or as defined in [NRS 586.205](#).

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.621 Limitations on materials allowed in establishment. ([NRS 439.200](#), [446.940](#)) Only those poisonous or toxic materials that are required for the operation and maintenance of a food establishment, including, without limitation, for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, may be allowed in a food establishment. This section does not apply to packaged poisonous or toxic materials that are offered for retail sale.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.622 Chemical antimicrobials: Use. ([NRS 439.200](#), [446.940](#)) Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces must be used in accordance with the manufacturer's instructions as listed on the product label.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.623 Chemicals for washing or peeling fruits and vegetables: Use; approval required. ([NRS 439.200](#), [446.940](#)) Chemicals used to wash or peel raw, whole fruits and vegetables must be used in accordance with the manufacturer's instructions as listed on the product label and approved by the health authority.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.624 Drying agents used for sanitization: Use; approval required. ([NRS 439.200](#), [446.940](#)) Drying agents used in conjunction with sanitization must be used in accordance with the manufacturer's instructions as listed on the product label and approved by the health authority.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.626 Boiler water additives. ([NRS 439.200](#), [446.940](#)) Chemicals used as boiler water additives must meet the requirements specified in 21 C.F.R. § 173.310, "Boiler water additives."

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.627 Lubricants. ([NRS 439.200](#), [446.940](#))

1. Lubricants must meet the requirement specified in 21 C.F.R. 178.3570, "Lubricants with incidental food contact," if they are used on food-contact surfaces, on bearings and gears located on or within food-contact surfaces, or on bearings and gears which are located so that lubricants may leak, drip or be forced into food or onto food-contact surfaces.

2. 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 food-contact surfaces.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.628 Medicines: Restrictions and storage. ([NRS 439.200](#), [446.940](#))

1. Except for medicines that are stored or displayed for retail sale, only those medicines that are necessary for the health of employees must be allowed in a food establishment.

2. Medicines that are in a food establishment for the employees' use must be labeled as specified under this chapter and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.629 First-aid supplies: Labeling and storage. ([NRS 439.200](#), [446.940](#)) First-aid supplies that are in a food establishment for the employees' use must be:

1. Labeled as specified in this chapter; and

2. Stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

TEMPORARY FOOD ESTABLISHMENTS

NAC 446.630 Applicable requirements; location of operation; off-site preparation of potentially hazardous food (time/temperature control for safety food). ([NRS 439.150](#), [439.200](#), [446.865](#), [446.940](#))

1. A temporary food establishment must comply with all the requirements of this chapter which are applicable to its operation.
 2. If, in the opinion of the health authority, a substantial health hazard will not result, temporary food establishments which do not fully comply with all the requirements of this chapter may operate when the preparation and service of food are restricted and deviations from full compliance are covered by the requirements set forth in this chapter.
 3. A temporary food establishment may only be operated at a fair, carnival, circus, public exhibition, celebration or similar transitory gathering.
 4. The location from which a temporary food establishment is operated must be approved by the health authority.
 5. All potentially hazardous food (time/temperature control for safety food) prepared off-site for service at a temporary food establishment must be prepared at an approved food establishment.
- [Bd. of Health, Food Establishments Reg. Art. 17 § 17.1 subsec. 17.1.1 & § 17.2 subsec. 17.2.1, eff. 9-17-82]—
(NAC A 9-16-92; R069-10, 12-18-2013)

NAC 446.631 Permit required to operate. ([NRS 439.200](#), [446.940](#))

1. It is unlawful for any person to operate a temporary food establishment unless the health authority has issued a valid permit therefor.
 2. The permit issued pursuant to this section is not transferable from person to person or from place to place.
 3. The health authority may impose additional requirements to protect against potential health hazards related to the operation of such food establishments.
 4. Operators may be required to provide documentation which proves that food to be served at a temporary food establishment was obtained from an approved source.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.632 Temporary food permits. ([NRS 439.200](#), [446.940](#)) The health authority may establish and collect a fee and may issue an annual temporary food permit for temporary food establishment operators engaged in the practice of frequently providing food to the public. The permit may be renewed annually, provided that the permit has not been suspended or revoked for chronic or repeated sanitation violations. The permit is valid only for the calendar year in which it was purchased. Following the suspension or revocation of an annual temporary food permit, a reinstatement fee must be submitted before reactivation of the permit to operate. Any violation that prompted the suspension or revocation of a permit must be corrected before the request for reinstatement is submitted.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.633 Exemptions from provisions of chapter. ([NRS 439.200](#), [446.940](#)) The health authority may exempt a temporary food establishment from the provisions of this chapter if the health authority determines that the particular food which is sold, offered or displayed for sale or served at the establishment does not constitute a potential or actual hazard to the public health. The health authority may compile a list of beverages and foods that it determines do not constitute a potential or actual hazard to the public health. The list may include, without limitation:

1. Bottled water and canned soft drinks.
2. Coffee or tea, or both, with powdered nondairy creamer or ultra-pasteurized dairy creamer packaged in individual servings. This subsection does not include beverages such as lattes and espresso that are mixed with a dairy product by the vendor during preparation.
3. Commercially prepared acidic beverages, including, without limitation, orange juice, lemonade and other similar beverages, that are served from the original, properly labeled container without the addition of ice or other regulated food products.
4. Draft beer and other alcoholic beverages that are served without the addition of ice or potentially hazardous food (time/temperature control for safety food).
5. Foods from an approved source prepared for a “cook-off” or judging contest in which food is not provided to the general public.
6. Hermetically sealed and unopened containers of nonpotentially hazardous beverages which do not require refrigeration.
7. Hot chocolate prepared without the use of potentially hazardous food (time/temperature control for safety food) or reconstituted dairy products.
8. Nonpotentially hazardous prepackaged baked goods, with proper labeling, from an approved source and requiring no on-site preparation.
9. Nonpotentially hazardous and unopened prepackaged food from an approved source with proper labeling, including, without limitation, honey, jerked meats, potato chips, popcorn and other similar foods.
10. Produce sold from a produce stand at which no food preparation, breaching of produce or product sampling is

performed.

11. Commercially prepared, prepackaged and unopened individual ice cream containers and ice cream bars that are appropriately labeled as to ingredients and manufacturer.

12. Shelled or unshelled nuts, including flavored nuts for sample or sale, unless the nuts are processed at the event site.

13. Food supplements that are offered for sample or sale without the addition of regulated food items. Such food supplements include, but are not limited to, vitamins, minerals, protein powder mixes, energy drinks and herbal mixtures, provided that they are from an approved source.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.635 Preparation and service of potentially hazardous food (time/temperature control for safety food). ([NRS 439.150](#), [439.200](#), [446.865](#), [446.940](#)) Potentially hazardous foods (time/temperature control for safety foods):

1. Which require cooking must be cooked to heat all parts of the food to a temperature as specified in this chapter.
2. Which require 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.

3. 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. Prepared or stored in a private home must not be served in a temporary food establishment.

[Bd. of Health, Food Establishments Reg. Art. 17 § 17.2 subsec. 17.2.2, eff. 9-17-82]—(NAC A 5-23-96; R069-10, 12-18-2013)

NAC 446.637 Labeling of ready-to-eat food. ([NRS 439.200](#), [446.940](#)) Potentially hazardous food (time/temperature control for safety food) that is prepared in an approved food establishment or food processing establishment in a ready-to-eat form and packaged in a container for refrigeration must be marked with a label by the manufacturer to indicate the date by which the food must be sold, served or frozen.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.640 Ice. ([NRS 439.150](#), [439.200](#), [446.865](#), [446.940](#))

1. Ice which is intended for human consumption or which will come in contact with food or be used as a source of refrigeration must be obtained from an approved source.

2. Ice intended for use in beverages must be manufactured in a chipped, crushed or cubed form.

3. The ice must be obtained in plastic bags which are designed for a single use and are filled and sealed at the point of manufacture. The ice must remain in the bag until dispensed in a way that protects it from contamination.

4. Unpackaged foods may not be stored in direct contact with undrained ice.

[Bd. of Health, Food Establishments Reg. Art. 17 § 17.2 subsec. 17.2.3, eff. 9-17-82]—(NAC A 5-23-96; R069-10, 12-18-2013)

NAC 446.645 Equipment and utensils. ([NRS 439.150](#), [439.200](#), [446.865](#), [446.940](#))

1. Equipment must be located and installed in a way that prevents the contamination of food and that also facilitates cleaning.

2. Surfaces of equipment which come in contact with food must be protected from contamination by customers or other contaminating agents. If necessary, effective shields must be used.

3. If facilities for cleaning and sanitizing tableware are not effective, only single-service articles may be used.

[Bd. of Health, Food Establishments Reg. Art. 17 § 17.2 subsecs. 17.2.4-17.2.6, eff. 9-17-82]—(NAC A by R069-10, 12-18-2013)

NAC 446.647 Temperature measuring devices. ([NRS 439.200](#), [446.940](#))

1. Temperature measuring devices appropriate to the food establishment operation must be used for monitoring the temperatures of potentially hazardous food (time/temperature control for safety food).

2. A thermocouple or metal stem thermometer must be provided to check the internal temperatures of potentially hazardous food (time/temperature control for safety food). Food temperature measuring devices that are scaled only in Fahrenheit must be accurate to plus or minus 2°F (plus or minus 1°C) in the intended range of use.

3. Each refrigeration unit must have a numerically scaled thermometer accurate to plus or minus 2°F (plus or minus 1°C) to measure the air temperature of the unit.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.650 Handwashing stations; potable water for preparation of food; containment of wastewater. ([NRS 439.150](#), [439.200](#), [446.865](#), [446.940](#))

1. Each permit holder must have a handwashing station approved by the health authority. The handwashing station

must be accessible and available for food handlers and employees at all times.

2. A handwashing station must be in the immediate vicinity of food preparation or warewashing areas.
3. The number of handwashing sinks will be determined by the health authority.
4. Handwashing sinks must be adequately serviced, stocked and maintained and must

include the following:

- (a) An adequate amount of running, potable water from an approved source;
- (b) Pump soap; and
- (c) Individual paper towels,

↪ accessible and available for food handlers and other employees at all times.

5. The health authority may impose additional handwashing requirements based upon menu considerations and the risk to the public health.

6. An adequate supply of potable water from an approved source must be used to prepare food and operate the business.

7. Unless a waiver has been granted by the health authority, a temporary food establishment without hot and cold running water must provide a container with a spigot or other apparatus that will dispense water without continuous manual contact, holding a minimum of 5 gallons (18.94 liters) of water for the purpose of handwashing.

8. Wastewater generated must empty into a spill-proof container.

[Bd. of Health, Food Establishments Reg. Art. 17 § 17.2 subsecs. 17.2.7 & 17.2.8, eff. 9-17-82]—(NAC A 5-23-96; R069-10, 12-18-2013)

NAC 446.651 Wastewater systems. ([NRS 439.200](#), [446.940](#))

1. Wastewater, including water from warewashing and food preparation activities, must be emptied and flushed into a sanitary sewer that has been approved by the health authority.

2. The tank must be emptied at least daily or as often as is necessary to prevent overflowing, the development of odors or the attraction of vermin.

3. Hoses used to drain or flush wastewater must be permanently and distinctly labeled for such use, used for no other purpose and stored in a manner that protects them from contamination.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.652 Disposal of grease and waste cooking oil. ([NRS 439.200](#), [446.940](#))

1. Grease and waste cooking oil must be disposed of in a manner approved by the health authority. Disposal of grease or waste cooking oil to the sanitary sewer system or storm drain system is prohibited. Wastewater must not be dumped into containers dedicated to grease and waste cooking oil.

2. Disposal of grease or waste cooking oil on the ground is prohibited.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.653 Storage and disposal of solid waste. ([NRS 439.200](#), [446.940](#))

1. All solid waste generated at a temporary food establishment must be stored in and disposed of in leak-proof containers. Solid waste must be collected and dumpsters must be emptied as often as necessary to prevent an excessive accumulation of solid waste.

2. Putrescible waste must be disposed of frequently enough to prevent odors and attraction for vermin.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.655 Floors, ceilings, doors, ceiling canopies, covers and screening material. ([NRS 439.150](#), [439.200](#), [446.865](#), [446.940](#))

1. If required by the health authority, floors must be constructed of concrete, asphalt, tightly fitted wood or other similar cleanable material and must be kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring if it is covered with clean, removable platforms or duckboards.

2. Ceilings must be made of wood, canvas or other material that protects the interior of the establishment from the weather. The walls and ceilings of areas used for preparing food must be constructed so that insects are not present.

3. Ceiling canopies or covers over food preparation areas must be capable of protecting food storage areas, food preparation areas and warewashing areas from bird droppings or other sources of environmental contamination.

4. If required by the health authority, doors must be solid or screened and must close automatically.

5. Screening material used for walls, doors or windows must be at least 16 mesh to the inch.

[Bd. of Health, Food Establishments Reg. Art. 17 § 17.2 subsecs. 17.2.9 & 17.2.10, eff. 9-17-82]—(NAC A 5-23-96; R069-10, 12-18-2013)

NAC 446.656 Limitations on access. ([NRS 439.200](#), [446.940](#))

1. Food preparation must be limited to areas inaccessible to the public to protect food from contamination.

2. The placement of heating or cooking equipment must be in an area inaccessible to the public.

3. Food preparation areas, food storage areas and warewashing areas must be made inaccessible from public access by the use of partitions, planters, walls or similar means.

4. Children are not allowed in the food preparation or food service areas of a temporary food establishment.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.657 Protection of food and condiments. ([NRS 439.200](#), [446.940](#))

1. All food must be protected from customer handling, coughing, sneezing or other contamination by wrapping, the use of food shields or other effective barriers, including, without limitation, containers that can be closed, covered or otherwise protected.

2. Condiments must be dispensed in single-service packaging, in pump-style dispensers or in protected squeeze bottles, shakers or similar dispensers which prevent contamination of the food items by food handlers, patrons, insects or other sources.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.658 Location; use. ([NRS 439.200](#), [446.940](#))

1. The health authority shall consider whether to approve the location of a temporary food establishment based on factors including, without limitation:

- (a) Existing or potential sources of contamination;
- (b) The ability of the food establishment to protect food;
- (c) The presence of birds, insects and vermin; and
- (d) Overhanging trees, wires or other overhead impediments.

2. A temporary food establishment must not be located down gradient of runoff in a drainage zone such that nonsewered toilets or animal pens present a risk to the public health.

3. A temporary food establishment must not be used during inclement weather, dust storms, floods and infestations of insects or vermin, or under any other circumstances in which the protection of food cannot be ensured.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.659 Food holding, service and cooking equipment. ([NRS 439.200](#), [446.940](#))

1. All food holding, service and cooking equipment must be clean, in good repair, able to maintain food at approved temperatures and in such condition as to present no risk to the public health. All equipment used in a temporary food establishment is subject to approval by the health authority.

2. Chafing dishes or similar types of equipment, which are not heated electrically, are prohibited for use at outdoor temporary food establishments.

3. Steam tables, bainmaries, warmers, Crock-Pots or other slow-cookers must not be used for the reheating of potentially hazardous food (time/temperature control for safety food).

4. Cooling or reheating, or both, of potentially hazardous food (time/temperature control for safety food) is prohibited, unless approved in advance by the health authority.

5. Adequate power must be supplied to a temporary food establishment that requires electrical or mechanical means to hold food products at approved temperatures. A contingency plan may be required by the health authority for the recovery and safe storage of food if electrical power is lost during a special event.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.661 Thawing of potentially hazardous food (time/temperature control for safety food). ([NRS 439.200](#), [446.940](#))

1. Frozen potentially hazardous food (time/temperature control for safety food) must be thawed for use in temporary food establishment operations using one of the following methods:

(a) In a refrigerated unit which can maintain a temperature of 41°F (5°C) or below.

(b) In an insulated container with enough ice to maintain 41°F (5°C). The food must remain covered during the thawing process so as not to allow direct contact with the ice and uneven thawing from external heat sources such as nearby cooking equipment or sunlight.

(c) In a permitted food establishment, under potable, running water with a temperature of 70°F (21°C) or below, and with sufficient velocity to agitate and float off loose food particles into the overflow.

2. Defrosting potentially hazardous food (time/temperature control for safety food) in standing water or in a warewashing or handwashing sink is strictly prohibited.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.662 Wet storage of beverages. ([NRS 439.200](#), [446.940](#)) Wet storage of canned or bottled beverage containers is acceptable when the water contains at least 10 mg/l of available chlorine and the water is changed frequently to keep it clean. Without the approved level of sanitizer, self-service to the general public is prohibited. Liquid wastewater from the wet storage of canned or bottled beverages must be disposed of in a manner that does not

create a nuisance or hazard to the public health.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.663 Utensils and equipment: Cleaning and sanitizing. ([NRS 439.200](#), [446.940](#))

1. Food service utensils and tableware must be washed, rinsed and sanitized as needed following each day of operation, or an adequate supply of clean and sanitary utensils must be available for daily operation.

2. Cutting boards and utensils used to cut, slice or prepare potentially hazardous food (time/temperature control for safety food) must be washed, rinsed and sanitized every 2 hours. If facilities are not available to accomplish this, additional cleaned and sanitized cutting boards and utensils must be on site for use.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.664 Ventilation and fire protection. ([NRS 439.200](#), [446.940](#)) Local regulations must govern ventilation and fire protection requirements.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.666 Lighting. ([NRS 439.200](#), [446.940](#)) Adequate lighting by artificial or natural means must be provided. A minimum of 35 foot-candles of artificial light must be provided after dusk in all food preparation, food service or warewashing areas. Lighting above food preparation or food service areas must be shielded.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.667 Storage of personal items. ([NRS 439.200](#), [446.940](#)) Personal clothing or belongings must be stored at a designated place away from the food preparation, food service or warewashing areas.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.669 Poisonous and toxic materials. ([NRS 439.200](#), [446.940](#)) Poisonous or toxic materials must be properly labeled and stored so they do not contaminate food, equipment, utensils, and single-service and single-use articles. Only such chemicals necessary for the food service operation may be present.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

MOBILE UNITS AND SERVICING AREAS

NAC 446.732 Applicable requirements. ([NRS 439.150](#), [439.200](#), [446.940](#)) Mobile units must comply with the requirements of this chapter. The health authority may impose additional requirements or restrictions when needed to protect against health hazards.

[Bd. of Health, Food Establishments Reg. Art. 18 § 18.1 subsec. 18.1.1, eff. 9-17-82]—(NAC A 5-23-96; R069-10, 12-18-2013)—(Substituted in revision for NAC 446.665)

NAC 446.734 Health permit not transferable. ([NRS 439.200](#), [446.940](#)) A health permit is not transferable from one vehicle to another vehicle.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.736 Approval of plans and specifications. ([NRS 439.200](#), [446.940](#)) Properly prepared plans and specifications of a mobile unit and servicing area must be submitted to the health authority for approval before the mobile unit or servicing area is constructed or remodeled. The plans must include, without limitation:

1. Menu and food preparation procedures;
2. A plot plan;
3. A location and elevation drawing of all food equipment, plumbing, electrical services and mechanical ventilation, potable water and wastewater holding units;
4. Equipment specifications, including, without limitation, the make and model numbers of all food equipment;
5. The type and color of material to be used on all floors, walls, ceilings, counters and similar surfaces;
6. The lighting intensity to be installed;
7. The proposed service route, itinerary or sites to be served;
8. A source of potable water;
9. A site to be used for sewage and wastewater disposal;
10. The availability of public restrooms; and
11. The site of the base of operation for the mobile unit or servicing area.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.738 Identification required. ([NRS 439.200](#), [446.940](#)) Every mobile unit must be readily identifiable by the business name being printed, permanently affixed and prominently displayed upon at least two sides and the rear

of each unit, in letters not less than 3 inches (7.62 centimeters) in height, and of a color contrasting with the background color of the vehicle.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.742 Restriction on operation from specific fixed location. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. A mobile unit must not be operated from a specific fixed location, other than a special event, for more than 4 hours.

2. If restrooms are not available to the food employees, a mobile unit may not stay longer than 1 hour in any one location unless prior approval is received from the health authority.

(Added to NAC by Bd. of Health, eff. 9-16-92; A by R069-10, 12-18-2013)

NAC 446.743 Special events: Advance notice required. ([NRS 439.200](#), [446.940](#)) The health authority must be notified in advance any time a mobile unit participates at a special event.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.744 Food preparation. ([NRS 439.200](#), [446.940](#))

1. Prepackaged food must be properly labeled, except when prepared inside a mobile unit for immediate service.

2. Preparation of potentially hazardous food (time/temperature control for safety food) inside a mobile unit must be accomplished daily, for service that same day.

3. Cooling of hot, prepared and potentially hazardous food (time/temperature control for safety food) inside a mobile unit is prohibited.

4. When potentially hazardous foods (time/temperature control for safety foods) which have been cooked and cooled at the servicing area are to be served hot, such foods must be reheated to 165°F (73.9°C) and either:

(a) Served immediately to the customer; or

(b) Hot-held at a temperature of 135°F (57.2°C).

5. Hot and cold holding equipment must be preheated or prechilled to appropriate holding temperatures before loading potentially hazardous food (time/temperature control for safety food) onto a mobile unit.

6. Thermometers must be carried in a mobile unit and used to monitor the temperature of potentially hazardous food (time/temperature control for safety food). Refrigerators must have indicating thermometers, accurate to within plus or minus 2°F (1°C).

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.746 Limitations on access; attendance of operator. ([NRS 439.200](#), [446.940](#))

1. Only employees and those persons authorized by the health authority may be present in food preparation areas of a mobile unit.

2. The operator of a mobile unit must be in attendance at all times when the unit is open for business.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.747 Methods for heating, cooling and service. ([NRS 439.200](#), [446.940](#))

1. Cold-holding of potentially hazardous food (time/temperature control for safety food) must be accomplished by the use of mechanical refrigeration.

2. Hot and cold holding equipment must be capable of maintaining proper temperatures in all climatic conditions, including subfreezing and extremely hot weather.

3. A mobile unit must provide only single-service articles for use by consumers.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.748 Water systems: Generally. ([NRS 439.200](#), [446.940](#))

1. If a mobile unit has a water system, the source and system design must be approved by the health authority.

2. The tank which supplies potable water must be sloped to completely drain. The tank, pump and hoses must be flushed and sanitized before being placed in service after construction, repair or modification and periods during which they were not used.

3. The system must be of sufficient capacity, but not less than 40 gallons (152 liters), to furnish enough hot and cold water under pressure for each of the following procedures, if such procedures occur on the mobile unit:

(a) Food preparation;

(b) Utensil cleaning;

(c) Sanitizing;

(d) Handwashing; and

(e) Mobile-unit cleaning.

4. The water inlet must be located so that it, and any tank vents, will not be contaminated by waste discharge, road dust, oil or grease, and the water inlet must be capped. The water filler hose must be equipped with an approved back-

flow prevention device.

5. The water filler hose must be of an approved material and stored with the ends connected or covered when not in use. The water filler hose must not be used for any purpose other than supplying potable water to the mobile unit.
6. The water filler hose must be identified either by color coding or tagging.
7. The water system must be operable under all climatic conditions, including subfreezing temperatures.
8. If a tank is designed with an access port for inspection and cleaning, the opening must be in the top of the tank and flanged upward at least 1/2 inch (13 mm), equipped with a port cover assembly that includes a gasket and a device for securing the cover in place, and flanged to overlap the opening and sloped to drain.
9. Tank vents must be terminated in a downward direction and be covered, screened or equipped with a protective filter if not otherwise protected from windblown dirt and debris.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.749 Water systems: Materials; filters. ([NRS 439.200](#), [446.940](#))

1. Materials that are used in the construction of water tanks and appurtenances for a mobile unit must be:
 - (a) Safe;
 - (b) Durable, corrosion resistant and nonabsorbent; and
 - (c) Finished to have a smooth and easily cleanable surface.
2. 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.
3. As used in this section, "corrosion resistant" means that a material maintains acceptable surface cleanability characteristics under:
 - (a) Prolonged influence of the food to be contacted;
 - (b) The normal use of cleaning compounds and sanitizing solutions; and
 - (c) Other conditions of the use environment.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.751 Water systems: Protective covers and devices. ([NRS 439.200](#), [446.940](#)) A cap and keeper chain, closed cabinet, closed storage tube or other approved protective cover or device must be provided for a water inlet, outlet and hose.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.753 Wastewater systems. ([NRS 439.200](#), [446.940](#))

1. Liquid waste must be stored in a waste retention tank that has at least 15 percent more capacity than the water tank. The bottom of the waste retention tank must be sloped to a drain.
2. All liquid waste must be retained on the mobile unit until emptied and flushed into an approved dump station, in a manner approved by the health authority.
3. A waste retention tank with an outlet for overflow is prohibited.
4. The wastewater system must be operable under all climatic conditions, including subfreezing temperatures.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.754 Refuse containers. ([NRS 439.200](#), [446.940](#))

1. Refuse containers must be of sufficient design, size and capacity to accommodate the daily accumulation of customer food service garbage and trash.
2. A refuse container with a cover or lid must be installed inside a mobile unit.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.756 Handwashing and toilet facilities. ([NRS 439.200](#), [446.940](#))

1. A separate handwashing sink must be provided in a mobile unit and include the following:
 - (a) An adequate amount of warm, running potable water under pressure from an approved source;
 - (b) Pump soap; and
 - (c) Individual paper towels that are accessible and available for food handlers and other employees at all times.
2. The requirements for handwashing may be waived or modified when foods served are limited to fully wrapped, prepackaged foods.
3. Toilet facilities for food employees must be available and readily accessible along the route.
4. Documentation that the toilet facilities described in subsection 3 are available for use must be submitted to the health authority upon request.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.757 Construction requirements. ([NRS 439.200](#), [446.940](#))

1. All interior wall, floor and ceiling surfaces of a mobile unit must be constructed of a light-colored, durable and

completely washable material, including, without limitation, stainless steel, galvanized steel, aluminum or plastic, and must be free of open joints or cracks. Floors must be finished with an impervious, skid-resistant material and the junctures of floors, walls and adjoining fixtures must be watertight and coved.

2. There must be adequate ceiling height in the mobile unit so that food handling can be conducted in a safe manner.

3. The interior of the mobile unit must be completely enclosed with the exception of the service openings. The service openings must be open only when serving food.

4. Doors, windows and covers must close tightly and must be closed when the vehicle is being moved.

5. When cooking is conducted, mechanical ventilation must be provided.

6. Lighting within the mobile unit must provide at least 50 foot-candles (540 lux) of light on all working surfaces at all times during use. Lights must be shielded or shatterproof.

7. A three-compartment sink, with hot and cold running water under pressure, to wash, rinse and sanitize utensils is required when equipment and utensils are reused by a mobile unit. In addition:

(a) The warewashing sinks must be large enough to immerse utensils and equipment requiring intermittent cleaning. This requirement may be waived or modified when limited food preparation is done or additional clean utensils are available and utensil washing can take place in a servicing area.

(b) The warewashing sink must have a swivel faucet which is capable of depositing water into each sink compartment and which is equipped with a mixing valve.

8. All connections on the vehicle used for servicing the mobile unit's waste disposal facilities must be of a different size or type than those used for supplying potable water to the mobile unit.

9. The waste connection must not be located above the potable water inlet connection.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.758 Servicing area. ([NRS 439.200](#), [446.940](#))

1. A mobile unit must operate from an approved servicing area and must report daily to that location for supplies, cleaning and servicing operations, unless otherwise approved by the health authority.

2. If the mobile unit operator is not the permit holder of the servicing area, a letter from the permit holder authorizing use of the facility must be provided to the health authority.

3. A written agreement, signed by the permit holder of the servicing area, must be provided to the health authority before the mobile unit is operated. The written agreement must state that the approved food establishment is willing to allow the mobile unit to:

(a) Store food products inside the food establishment;

(b) Use the facilities of the food establishment for the maintenance of hot and cold potentially hazardous food (time/temperature control for safety food), and utensils and equipment;

(c) Deposit used cooking grease and refuse in the food establishment's trash disposal and grease rendering facilities;

(d) Prepare food items that will be served inside the mobile unit; and

(e) Be allowed full access to the food establishment during hours or days in which the food establishment might not otherwise operate.

4. In the event that the servicing area lessens its scope of food preparation, changes ownership or is out of business for any reason, the mobile unit must cease operations and immediately advise the health authority.

5. A servicing area that is located outside the jurisdiction of the health authority may be approved if:

(a) The operator of the mobile unit satisfies the requirements of this chapter and obtains a permit issued pursuant to the provisions of [NRS 446.875](#);

(b) Provides a copy of a valid health permit issued by the health authority which has jurisdiction; and

(c) Provides a copy of the most recent health inspection.

6. There must be a location provided for the flushing and drainage of liquid waste separate from the location provided for potable water servicing and for the loading and unloading of food and related supplies.

7. Food storage and preparation in a servicing area must be separate from the area used for vehicle servicing operations such that no contamination of food storage or preparation areas occurs.

8. Vehicle cleaning and in-place cleaning of nonfood-contact surfaces of equipment not requiring sanitization must be done with potable water and must be done in a manner which will not contaminate the mobile unit's food storage or food preparation areas or equipment.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.759 Miscellaneous provisions. ([NRS 439.200](#), [446.940](#))

1. Any proposed change of location, equipment or operation of a mobile unit must receive prior approval from the health authority.

2. Compressed gas bottles must be securely fastened to a wall or other stationary object in such a manner as to prevent damage to the valve mechanism.

3. When facilities or equipment are inadequate to protect the public health, the health authority, after due

consideration of all pertinent factors, may restrict the mode of operation of a mobile unit.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

PERMITS AND FEES; COMPLIANCE ENFORCEMENT

NAC 446.811 Valid permit or permit exemption required. ([NRS 439.200](#), [446.940](#)) A person may not operate a food establishment without a valid permit to operate or a valid permit exemption from the permit requirement issued by the health authority.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.813 Application for permit: Contents; issuance; transferability. ([NRS 439.200](#), [446.940](#))

1. Any person desiring to operate a food establishment must make written application for a permit on forms provided by the health authority. The application must include, without limitation:

(a) The applicant's full name and post office address.

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

(c) A statement of the location and type of the proposed food establishment.

(d) The signature of the applicant or applicants.

2. An application for a permit to operate a temporary food establishment must also include the inclusive dates of the proposed operation.

3. Upon receipt of an application, the health authority shall conduct a full review of the application, evaluating all food safety and source parameters as proposed. If the health authority determines that the application complies with the applicable provisions of this chapter, the health authority shall issue a permit to the applicant. After issuing a permit to an applicant, the health authority shall conduct an inspection of the applicable food establishment to determine compliance with the provisions of this chapter.

4. A permit to operate a temporary food establishment may be issued for a period not to exceed 14 days.

5. A permit or permit exemption issued pursuant to this section is not transferable from one person to another person, or from one location to another location.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.816 Fees. ([NRS 439.200](#), [446.940](#))

1. An application for a permit to operate a food establishment must be accompanied by the fee established by the health authority.

2. Permit renewal fees must be paid within proper time constraints and before the date on which the permit is set to expire.

3. The health authority may assess a fee for late payments.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.817 HACCP plan: Submission and approval. ([NRS 439.200](#), [446.940](#))

1. Before engaging in an activity that requires an HACCP plan, a permit applicant or permit holder must submit to the health authority for approval a properly prepared HACCP plan and the relevant provisions of this chapter if:

(a) Submission of an HACCP plan is required by the health authority;

(b) A waiver is required by the health authority; or

(c) The health authority determines that a food preparation or processing method requires a waiver based on a plan submitted in response to an inspectional finding, or a waiver request.

2. A permit applicant or permit holder must have a properly prepared HACCP plan as specified in this chapter.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.819 HACCP plan: Prior approval required; waiver. ([NRS 439.200](#), [446.940](#))

1. A permit applicant or permit holder shall not engage in an activity or process that requires a waiver or HACCP plan before receiving written approval from the health authority.

2. If the health authority grants a waiver as specified in this chapter or an HACCP plan is otherwise required, the permit holder shall:

(a) Comply with the HACCP plans and procedures that are submitted as specified under this chapter and approved as a basis for the modification or waiver; and

(b) Maintain and provide to the health authority, upon request, records specified under this chapter which demonstrate that the following are routinely carried out:

(1) Procedures for monitoring the critical control points;

(2) Monitoring of the critical control points;

(3) Verification of the effectiveness of the operation or process; and

(4) Necessary corrective actions if there is failure at a critical control point.
(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.821 HACCP plan: Required contents. ([NRS 439.150](#), [439.200](#), [446.875](#), [446.940](#)) The health authority may require an applicant to include an HACCP plan. If the food establishment is required to have such a plan, the plan must include:

1. A categorization of the types of potentially hazardous foods (time/temperature control for safety 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.
 2. A diagram that identifies critical control points for specific foods or categories of food and provides:
 - (a) The ingredients, materials and equipment used in the preparation of each food or category of food; and
 - (b) The procedures to ensure that each food or category of food is prepared safely.
 3. A training plan for food handlers and supervisors that addresses issues of safety in the preparation of food.
 4. A statement of standard operating procedures that identifies:
 - (a) Each critical control point.
 - (b) Limits for each critical control point.
 - (c) The method and frequency for monitoring and controlling each critical control point by the employee designated by the person in charge.
 - (d) 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.
 - (e) Actions to be taken by the person in charge if the limits for each critical control point are not met.
 - (f) The records required to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed.
 5. 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.
- (Added to NAC by Bd. of Health, eff. 9-16-92; A 5-23-96; R069-10, 12-18-2013)

NAC 446.822 Plans and specifications: Submission for review and approval. ([NRS 439.200](#), [446.940](#)) A permit applicant or permit holder shall submit to the health authority properly prepared plans and specifications for review and approval before:

1. The construction of a food establishment;
 2. The conversion of an existing structure for use as a food establishment; or
 3. The remodeling of a food establishment or a change of type of food establishment or food operation if the health authority determines that plans and specifications are necessary to ensure compliance with this chapter.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.8225 Plans and specifications: Required contents. ([NRS 439.200](#), [446.940](#)) The plans and specifications for a food establishment must include, as required by the health authority based on the type of operation, type of food preparation and foods prepared, the following information to demonstrate conformance with the provisions of this chapter:

1. The intended menu;
 2. The anticipated volume of food to be stored, prepared, and sold or served;
 3. The proposed layout, mechanical schematics, construction materials and finish schedules;
 4. Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities and installation specifications;
 5. Evidence that standard procedures which ensure compliance with the requirements of this chapter are developed or are being developed; and
 6. Any other information that may be required by the health authority for the proper review of the proposed construction, conversion or modification, and procedures for operating a food establishment.
- (Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.824 Preoperational inspections. ([NRS 439.200](#), [446.940](#)) The health authority shall conduct one or more preoperational inspections to verify that the food establishment is constructed and equipped in accordance with the approved plans and approved modifications of those plans, and has established standard operating procedures as specified in compliance with law and this chapter. The health authority may establish and collect a fee for on-site preoperational inspections.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.8245 Responsibilities of permit holders. ([NRS 439.200](#), [446.940](#))

1. Upon acceptance of a permit issued by the health authority, the permit holder, to retain the permit, shall post the

permit in a location in the food establishment that is conspicuous to consumers and complies with the provisions of this chapter, including, without limitation, any conditions granted through a waiver.

2. If a food establishment is required to operate under an HACCP plan, operation of the establishment must comply with the conditions set forth in that plan.

3. The permit holder shall immediately contact the health authority to report the illness of a food employee or conditional employee.

4. The permit holder shall immediately discontinue operations and notify the health authority if a substantial health hazard exists.

5. The permit holder shall allow representatives of the health authority access to the food establishment as specified under [NRS 446.885](#).

6. The permit holder shall replace existing facilities and equipment with facilities and equipment that comply with this chapter if:

(a) The health authority directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria under which the facilities and equipment were accepted;

(b) The health authority directs the replacement of the facilities and equipment because of a change of ownership; or

(c) The facilities and equipment are replaced in the normal course of operation.

7. The permit holder shall comply with directives of the health authority, including, without limitation, time frames for corrective actions specified in inspection reports, notices, orders, warnings and other directives issued by the health authority in regard to the permit holder's food establishment, or in response to community emergencies.

8. The permit holder shall accept notices issued and served by the health authority.

9. The permit holder is subject to the administrative, civil, injunctive and criminal remedies authorized in this chapter for failure to comply with a directive of the health authority, including time frames for corrective actions specified in inspection reports, notices, orders, warnings and other directives.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.8255 Substantial health hazard: Discontinuance of operations. ([NRS 439.200](#), [446.940](#))

1. Except as otherwise provided in this section, a permit holder shall immediately discontinue operations and notify the health authority if a substantial health hazard may exist because of an emergency, including, without limitation, a fire, flood, interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, the onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger the public health.

2. A permit holder need not discontinue operations in an area of a food establishment that is unaffected by the substantial health hazard if approved by the health authority to continue to operate.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.826 Substantial health hazard: Correction of violations. ([NRS 439.200](#), [446.940](#)) If a substantial health hazard exists in or on the premises of a food establishment, the health authority shall suspend the health permit and the food establishment must immediately cease food operations unless the violation is immediately corrected or an approved alternative plan for continued operation can be arranged and approved while the health authority is on the premises.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.8265 Emergencies: Approval required before resuming operations. ([NRS 439.200](#), [446.940](#)) If operations are discontinued for an emergency as specified in this chapter, the permit holder shall obtain approval from the health authority before resuming operations.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.827 Procedure for review of actions taken by Division; appeals. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. A person who has reason to believe that an action taken by the Division of Public and Behavioral Health pursuant to this chapter or [chapter 446](#) of NRS is incorrect or based on inadequate knowledge may, within 10 business days after receiving notice of the action, request an informal discussion with the employee responsible for the action and the immediate supervisor of the employee.

2. If the informal discussion does not resolve the problem, the aggrieved person may, within 10 business days after the date scheduled for the informal discussion, submit a written request to the Division for an informal conference. The informal conference must be scheduled for a date, place and time mutually agreed upon by the aggrieved person and the Division, except that the informal conference must be held no later than 60 days after the date on which the Division received the written request.

3. Except as otherwise provided in subsection 4, the determination of the Division resulting from the informal conference cannot be appealed and is the final remedy available to the aggrieved person.

4. An applicant for or holder of a permit issued pursuant to this chapter or [chapter 446](#) of NRS who is aggrieved by

an action of the Division relating to the denial of an application for or the renewal of such a permit or the suspension or revocation of such a permit may appeal that action in accordance with the provisions of this chapter, after exhausting the informal procedures set forth in this section, except that the Division may waive the informal procedures, or any portion thereof, by giving written notice to the aggrieved person.

(Added to NAC by Bd. of Health, eff. 10-30-97; A by R069-10, 12-18-2013)

NAC 446.830 Fees for annual permits and other services. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. The Division of Public and Behavioral Health shall charge and collect fees for annual permits and other services in accordance with the following schedule, except as otherwise provided in [NRS 576.128](#) and except in areas where the laws and regulations governing food establishments are administered by local health authorities:

Main Facilities	Fees
For a restaurant, establishment for drinking, main kitchen, bar for beer, snack bar, concession, service bar, portable food unit or buffet	
For the first 40 seats.....	\$200
Plus \$1.50 for each additional seat	
For a restaurant which provides food to take out	
For the first 40 seats.....	200
Plus \$1.50 for each additional seat	
For each window of a drive-in or service station.....	55
For a food establishment that has been exempted pursuant to NRS 446.870 .	50
For a caterer.....	125
For a food establishment within:	
A bed and breakfast facility.....	166
A charter school, private school or public school.....	150
A correctional facility.....	166
A child care facility.....	166

Supporting Facilities	Fees
For a special kitchen, kitchen for the preparation of banquets, kitchen for a bakery, kitchen for the preparation of meat, pantry for a kitchen, garde manger for cold meat or buffet having an area of:	
500 square feet or less.....	\$115
More than 500 square feet.....	130
Portable bars, annual fee for each.....	85
Barbecue.....	110

Wholesale or Retail Services for Food	Fees
For a market, a service providing candy, package liquor, health food, dry storage, meat, poultry, seafood, refrigerated storage, storage of produce or bakery sales, a food warehouse or a market for produce which has an area of:	
Less than 1,000 square feet.....	\$166
1,000 - 3,000 square feet.....	210
3,001 - 5,000 square feet.....	230
More than 5,000 square feet.....	332

Wholesale or Retail Processors of Food	Fees
For a plant for bottling, processing plant for food, market for meat, processing plant for game, bakery, plant for ice, delicatessen or processing plant for candy which has an area of:	
Less than 1,000 square feet.....	\$166
1,000 - 3,000 square feet.....	210
3,001 - 5,000 square feet.....	249
More than 5,000 square feet.....	332
For a temporary food establishment, per unit.....	50
For a temporary food establishment which is operated by a religious, charitable or other nonprofit organization if the sale of food from the establishment occurs off the premises of the organization, per unit.....	25
For a food processing establishment, for each label reviewed.....	83
	Actual
For the testing of food products at a food processing establishment.....	costs

2. As used in this section:

(a) "Charter school" has the meaning ascribed to it in [NRS 385.007](#).

(b) "Child care facility" means an establishment licensed pursuant to [chapter 432A](#) of NRS to provide care for 10 or more children.

(c) "Correctional facility" means any local detention facility, county jail, state prison, reformatory or other correctional center, including, without limitation, any facility for the detention of juvenile offenders, operated by or under the supervision of the State or a subdivision of the State for the custody, care or training of offenders.

(d) "Private school" has the meaning ascribed to it in [NRS 394.103](#).

(e) "Public school" has the meaning ascribed to it in [NRS 385.007](#).

(f) "Religious, charitable or other nonprofit organization" means a corporation for public benefit as defined in [NRS 82.021](#) or which has tax-exempt status recognized by the Internal Revenue Service.

[Bd. of Health, Food Establishments Reg. Art. 19 § 19.1 subsec. 19.1.1, eff. 9-17-82]—(NAC A 6-23-86; 7-22-87; 8-31-89; 9-13-91; 9-16-92; 5-23-96; 1-30-98; R007-04, 4-7-2004; R101-07, 10-31-2007; R069-10, 12-18-2013)

NAC 446.835 Fees for reviewing plans. ([NRS 439.150](#), [439.200](#), [446.940](#)) The Division shall charge and collect the following fees for reviewing plans for food establishments, 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.	

[Bd. of Health, Food Establishments Reg. Art. 19 § 19.1 subsec. 19.1.2, eff. 9-17-82]—(NAC A 6-23-86; 8-31-89; R101-07, 10-31-2007)

NAC 446.840 Fees for mobile units and servicing areas. ([NRS 439.150](#), [439.200](#), [446.940](#)) The Division of Public and Behavioral Health 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 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 area.....	\$166
For reviewing plans of a mobile unit, a self-service mobile unit or a servicing area for a mobile unit.....	166

For reviewing plans for remodeling a mobile unit, a self-service mobile unit or
a servicing area for a mobile unit which has a permit.....

166

[Bd. of Health, Food Establishments Reg. Art. 19 § 19.1 subsec. 19.1.3, eff. 9-17-82]—(NAC A 6-23-86; 9-13-91; 5-23-96; R007-04, 4-7-2004; R101-07, 10-31-2007; R069-10, 12-18-2013)

NAC 446.843 Exemption from certain fees: Interpretation of “natural and unprocessed state” as used in NRS 576.128. (NRS 439.150, 439.200, 446.940) As used in paragraph (b) of subsection 3 of NRS 576.128, the State Board of Health will interpret the term “natural and unprocessed state” to mean that an agricultural product of the soil is not cut, sliced, breached, shelled, canned, cooked, pickled, sealed, packaged, dried, milled, ground or otherwise altered from its original state after being harvested.

(Added to NAC by Bd. of Health, eff. 1-30-98)

NAC 446.844 Certificate of free sale: Application; issuance; transferability; fee. (NRS 439.150, 439.200, 446.940)

1. A holder of a permit issued pursuant to this chapter or [chapter 446](#) of NRS may apply to the Division for a certificate of free sale. The application must be submitted on a form approved by the Division and include:

(a) The full name and post office address of the applicant;

(b) A statement concerning whether the applicant is a natural person, firm or corporation and, if a partnership, the names of the partners, together with their addresses; and

(c) The signature of the applicant or applicants.

2. Upon receipt of an application for a certificate of free sale and the fee required pursuant to subsection 4, the Division shall determine whether the applicant is in compliance with the provisions of this chapter and [chapter 446](#) of NRS. If the Division determines that the applicant is in compliance with the provisions of this chapter and [chapter 446](#) of NRS, the Division may issue a certificate of free sale to the applicant.

3. A certificate of free sale issued pursuant to this section is not transferable from person to person or from place to place.

4. The Division shall charge and collect \$41 for each certificate of free sale.

5. As used in this section, “certificate of free sale” means a certificate issued by the Division which verifies compliance with the provisions of this chapter and [chapter 446](#) of NRS.

(Added to NAC by Bd. of Health by R007-04, 4-7-2004; A by R101-07, 10-31-2007)

BED AND BREAKFAST FACILITIES

NAC 446.845 “Bed and breakfast facility” defined. (NRS 439.150, 439.200, 446.940) As used in [NAC 446.845](#) to [446.860](#), inclusive, unless the context otherwise requires, “bed and breakfast facility” means a commercial home offering bed and breakfast accommodations to one or more persons.

(Added to NAC by Bd. of Health, eff. 10-14-88; A by R069-10, 12-18-2013)

NAC 446.850 Applicable requirements. (NRS 439.150, 439.200, 446.940)

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

(a) Comply with the provisions of this chapter and all the requirements of this chapter which are applicable to its operation; and

(b) Pay the applicable fees pursuant to this chapter.

2. If, in the opinion of the health authority, a substantial 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 this chapter may operate if the preparation and service of food are restricted and deviations from full compliance are covered by the provisions of this chapter.

(Added to NAC by Bd. of Health, eff. 10-14-88; A by R007-04, 4-7-2004; R069-10, 12-18-2013)

NAC 446.852 Additional requirements. (NRS 439.200, 446.940) In order to protect the public health, the health authority may impose additional requirements to protect against health hazards related to the operation of a bed and breakfast facility. The health authority may:

1. Limit the amount of food preparation or procedures.

2. Prohibit some food items.

3. Require written standard operating procedures for some food items.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.855 Preparation and service of food. (NRS 439.150, 439.200, 446.940)

1. All food items must be preapproved by the health authority.

2. All food must be prepared fresh with no foods held over to another day.
 3. Various breakfast rolls, cakes and pastries may be baked and served.
 4. No home-canned, low-acid foods may be served.
- (Added to NAC by Bd. of Health, eff. 10-14-88; A by R069-10, 12-18-2013)

NAC 446.860 Equipment. ([NRS 439.150](#), [439.200](#), [446.940](#)) Equipment in a bed and breakfast facility must be located and installed in a way that prevents contamination of food and facilitates cleaning. Equipment designed for use in a private home, such as cooking units, refrigerators, dishwashers, cabinets, hoods and utensils are acceptable if they are effective, do not cause a health problem for the public and are in good repair.

(Added to NAC by Bd. of Health, eff. 10-14-88)

VENDING MACHINES

NAC 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 this chapter.

(Added to NAC by Bd. of Health, eff. 10-14-88; A by R069-10, 12-18-2013)

NAC 446.872 Required identification. ([NRS 439.200](#), [446.940](#)) The company name and telephone number of the operator of the vending machine, the health permit number and the vending unit number must be prominently displayed on a vending machine.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 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.

(Added to NAC by Bd. of Health, eff. 10-14-88)

NAC 446.880 Potentially hazardous food (time/temperature control for safety food). ([NRS 439.150](#), [439.200](#), [446.940](#))

1. Potentially hazardous food (time/temperature control for safety 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 (time/temperature control for safety food) must be provided with adequate refrigerating or heating units and thermostatic controls which ensure the maintenance of refrigerated foods at a temperature of 41°F (5°C) or below and hot foods at a temperature of 135°F (71°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 (time/temperature control for safety food) until it has been serviced by the operator.

3. Potentially hazardous food (time/temperature control for safety 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.

(Added to NAC by Bd. of Health, eff. 10-14-88; A 5-23-96; R069-10, 12-18-2013)

NAC 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.

(Added to NAC by Bd. of Health, eff. 10-14-88)

NAC 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.

(Added to NAC by Bd. of Health, eff. 10-14-88)

NAC 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 an approved source. 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.

(Added to NAC by Bd. of Health, eff. 10-14-88; A 5-23-96; R069-10, 12-18-2013)

NAC 446.900 Construction. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. All vending machine units used for the display or sale of potentially hazardous food (time/temperature control for safety food) must be constructed and certified in accordance with standards adopted by the National Sanitation Foundation and American National Standards Institute, or the National Automatic Merchandising Association, and may not be modified.

2. 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.

3. Ventilation openings of vending machines must be covered with screening material that has 16 mesh to the inch or equivalent.

4. 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.

5. All vending machines must be constructed to facilitate cleaning under the machine.

(Added to NAC by Bd. of Health, eff. 10-14-88; A 5-23-96; R069-10, 12-18-2013)

NAC 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.

(Added to NAC by Bd. of Health, eff. 10-14-88)

NAC 446.907 Can openers. ([NRS 439.200](#), [446.940](#)) Cutting or piercing parts of can openers on vending machines must be protected from manual contact, dust, insects, rodents and other contamination.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 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.

(Added to NAC by Bd. of Health, eff. 10-14-88; A 5-23-96)

BARBECUES

NAC 446.915 Applicable requirements. ([NRS 439.150](#), [439.200](#), [446.940](#)) A barbecue must meet the requirements of this chapter.

(Added to NAC by Bd. of Health, eff. 9-16-92; A by R069-10, 12-18-2013)

NAC 446.920 Plan for operation. ([NRS 439.150](#), [439.200](#), [446.940](#)) A plan must be submitted to, and approved by, the health authority before a food establishment may construct or operate a barbecue. The plan must include the equipment to be used in the construction or operation of the barbecue and describe the facility for, and the operation of, the barbecue.

(Added to NAC by Bd. of Health, eff. 9-16-92)

NAC 446.925 Compliance with local building or fire codes or ordinances. ([NRS 439.150](#), [439.200](#), [446.940](#)) If a barbecue is subject to local building or fire codes or ordinances, the food establishment must receive approval for the barbecue, in writing, from the appropriate authority and furnish the health authority with evidence of

such approval upon request.

(Added to NAC by Bd. of Health, eff. 9-16-92)

NAC 446.930 Equipment used in construction or operation; location; cleaning. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. All equipment used in the construction or operation of a barbecue must be nontoxic, easy to clean and kept in good repair.

2. A barbecue must be located on the property where the food establishment is located and it must not be more than 50 feet (15.24 meters) from the structure housing the establishment.

3. The site where the barbecue is located must be drained properly to ensure that water will not pool, collect or cause a nuisance. The walking surfaces within 25 feet (7.63 meters) of the barbecue must be kept clean and free of organic materials, such as bark and pine needles.

4. The area underlying a barbecue must be a hard, cleanable surface.

5. Wood chips, bark or other organic materials used for smoking and flavoring in the cooking process must be stored at the barbecue in a manner which will not lead to the contamination of the wood chips, bark or other organic materials or food.

6. The barbecue must be located in an open area where there are no overhanging trees, wires or other impediments above the barbecue.

7. In the area surrounding a barbecue, dust must be minimized by using:

(a) A device to block wind; or

(b) A type of ground cover,

➔ that has been approved by the health authority.

8. A fixed or permanent barbecue may not be located in a parking lot.

9. A barbecue must be kept clean and free from food, debris, grease, soot, ashes and soil by brushing or otherwise cleaning it before each use or as necessary.

10. A handwashing station approved by the health authority must be readily accessible within 10 feet (3.04 meters) of the barbecue equipment.

(Added to NAC by Bd. of Health, eff. 9-16-92; A 5-23-96; R069-10, 12-18-2013)

NAC 446.935 Protection from contamination; construction and maintenance of surfaces. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. The operator of a food establishment must make reasonable efforts to ensure that insects, rodents and other sources of contamination do not affect a barbecue or its operations.

2. A barbecue may not be used during a dust storm, flood, infestation of insects or vermin or under any other circumstances where the protection of food cannot be ensured.

3. Surfaces which may come into contact with food, utensils and equipment used in the operation of a barbecue must be made of nontoxic materials and constructed and maintained in such a manner that they are easy to clean and keep in good repair.

(Added to NAC by Bd. of Health, eff. 9-16-92; A 5-23-96)

NAC 446.940 Preparation and service of food; attendance by employee required; presence of customers within certain distances prohibited. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. Any methods for preparing food and the kinds of food to be cooked at a barbecue must be approved by the health authority.

2. All food cooked at a barbecue must be protected from contamination by keeping it at an appropriate temperature or by covering it properly.

3. The preparation of food must be completed in the food establishment before the food is transported to the barbecue.

4. All food at a barbecue must be cooked immediately and:

(a) Served to the customer; or

(b) Transported to a proper area for hot holding, storage, preparation, packaging and sale.

5. A barbecue must be attended by an employee of the food establishment at all times it is in operation and may only be operated by an employee of the establishment.

6. Customers of the food establishment must be separated from the barbecue by a distance of not less than 5 feet (1.52 meters) by partitions, planters, walls or similar means.

(Added to NAC by Bd. of Health, eff. 9-16-92; A 5-23-96; R069-10, 12-18-2013)

NAC 446.945 Approval of location: Factors for consideration. ([NRS 439.150](#), [439.200](#), [446.940](#)) The health authority shall consider whether to approve the location of a barbecue based on factors, including, but not limited to:

1. The weather;

2. Existing or potential sources of contamination;
 3. The ability of the facility to protect food; and
 4. The presence of insects and vermin.
- (Added to NAC by Bd. of Health, eff. 9-16-92; A 5-23-96)

PORTABLE UNITS FOR SERVICE OF FOOD

NAC 446.946 Applicable requirements. ([NRS 439.150](#), [439.200](#), [446.940](#)) A portable unit for service of food must comply with the requirements of this chapter that apply to the operation of portable units for service of food. The health authority may establish additional requirements for a portable unit for service of food if necessary to protect against hazards to health.

(Added to NAC by Bd. of Health, eff. 5-23-96; A by R069-10, 12-18-2013)

NAC 446.9462 Menu. ([NRS 439.150](#), [439.200](#), [446.940](#)) A portable unit for service of food may only be used to serve a menu that:

1. Has been approved by the health authority.
2. Is comprised chiefly of foods that are not potentially hazardous foods (time/temperature control for safety foods), such as beverages and baked foods.

(Added to NAC by Bd. of Health, eff. 5-23-96; A by R069-10, 12-18-2013)

NAC 446.9463 Required equipment. ([NRS 439.200](#), [446.940](#)) A portable unit for the service of food must have the following equipment:

1. A refrigerator which is large enough to store safely all potentially hazardous foods (time/temperature control for safety foods) placed in the unit. Such a refrigerator must have a thermometer that is accurate to plus or minus 2°F (1°C), and if any shelving is contained in the refrigerator, it must be constructed of metal or plastic.
2. A tank which can supply an adequate amount of potable water to wash hands, prepare food and clean utensils and equipment, and a heater which can produce enough hot water for these purposes. The hoses used to fill the tank must have been used for no other purpose and must be approved for use with potable water, permanently and distinctly labeled for such use, used for no other purpose and stored in a manner that protects the hoses from contamination.
3. A convenient facility with hot and cold pressurized running water, soap and a supply of sanitary paper towels for washing hands.
4. A tank for wastewater with a capacity at least equal to the capacity of the tank for potable water. The wastewater must be emptied and flushed into a sanitary sewer that has been approved by the health authority. The tank must be emptied at least daily or as often as is necessary to prevent overflowing, the development of odors and the attraction of vermin. Hoses used to drain or flush the wastewater must be permanently and distinctly labeled for such use, used for no other purpose and stored in a manner that protects the hoses from contamination.
5. A covered receptacle for refuse located adjacent to the unit. Such a receptacle must be of sufficient size for daily needs and must be constructed, designed and placed so it can be easily cleaned and does not create a nuisance.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.9464 Toilet facilities. ([NRS 439.150](#), [439.200](#), [446.940](#)) A toilet facility for employees who work at a portable unit for service of food must be conveniently located within the building where the portable unit is located and open for use by such employees during all hours of operation. The facility must be equipped with a sink with hot and cold pressurized running water, soap and a supply of sanitary paper towels for washing hands.

(Added to NAC by Bd. of Health, eff. 5-23-96)

NAC 446.9466 Proposed changes required to be submitted to health authority. ([NRS 439.150](#), [439.200](#), [446.940](#)) The holder of a permit for the operation of a food establishment shall obtain approval from the health authority before making any changes to the equipment, operation or menu of a portable unit for service of food or to the food establishment or servicing area in which the portable unit is located.

(Added to NAC by Bd. of Health, eff. 5-23-96; A by R069-10, 12-18-2013)

NAC 446.9468 Cleaning and sanitizing of surfaces. ([NRS 439.150](#), [439.200](#), [446.940](#))

1. The holder of a permit for the operation of a food establishment shall clean and sanitize the surfaces which may come into contact with food on a portable unit for service of food as often as necessary to maintain sanitary conditions.
2. Cleaning of the portable unit for service of food must be performed in the servicing 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.

(Added to NAC by Bd. of Health, eff. 5-23-96; A by R069-10, 12-18-2013)

NAC 446.947 Items intended for a single use. ([NRS 439.150](#), [439.200](#), [446.940](#)) Items intended for a single use, including, but not limited to, cups, stirring sticks, trays, flatware, napkins and plates, must be dispensed at a portable unit for service of food in a manner which protects them from contamination and excessive handling. These articles must not be stored under exposed water and drainage lines such as those located in the lower interior portions of the portable unit for service of food.

(Added to NAC by Bd. of Health, eff. 5-23-96)

NAC 446.9472 Display and service of baked goods. ([NRS 439.150](#), [439.200](#), [446.940](#)) Baked goods served at a portable unit for service of food, including, but not limited to, pastries, cookies and donuts, must be displayed under a cover or in a display case that has been approved by the health authority. Food service employees shall not contact exposed, ready-to-eat food with their bare hands and must use suitable utensils, including, without limitation, deli tissue, spatulas, tongs, single-use gloves or dispensing equipment.

(Added to NAC by Bd. of Health, eff. 5-23-96; A by R069-10, 12-18-2013)

FOOD PROCESSING ESTABLISHMENTS

NAC 446.955 General requirements. ([NRS 439.150](#), [439.200](#), [446.930](#), [446.940](#))

1. A food processing establishment must comply with the provisions of this chapter.

2. If, after January 1, 2011, 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 (time/temperature control for safety 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 by an approved processing authority.

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.

(Added to NAC by Bd. of Health, eff. 9-16-92; A 5-23-96; R069-10, 12-18-2013)

NAC 446.960 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.

(Added to NAC by Bd. of Health, eff. 9-16-92)

FARMERS' MARKETS

NAC 446.970 Exemption from applicable requirements. ([NRS 439.200](#), [446.940](#)) A producer of organic agricultural products of the soil who possesses a certificate of organic certification issued by the State Department of Agriculture, or who can provide documentation indicating that the produce offered for sale is from an approved source, is exempt from the requirements set forth in [NAC 576.300](#) to [576.440](#), inclusive, and all applicable provisions of this chapter. The exemption set forth in this section does not allow for sampling of produce.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.971 Applicable requirements. ([NRS 439.200](#), [446.940](#)) All other food vendors selling food in affiliation with any farmers' market must comply with all applicable provisions of this chapter.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.972 General requirements for food offered for sale or given away. ([NRS 439.200](#), [446.940](#)) All food offered for sale or given away at a farmers' market must be produced, prepared, compounded, packed, stored, transported, kept for sale and served so as to be pure, free from contamination, adulteration and spoilage, must be obtained from approved sources and must otherwise be fit for human consumption.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.973 Producers of farm products: Certification required. ([NRS 439.200](#), [446.940](#)) The producer of the farm products to be sold at a farmers' market must be certified by the State Department of Agriculture. A certificate issued to such a producer from another state, if equivalent to those issued by the State Department of Agriculture, shall be deemed acceptable. A copy of the certification must be provided to the health authority.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.974 General provisions. ([NRS 439.200](#), [446.940](#)) Farmers' markets must comply with the following provisions:

1. All food must be stored at least 5 inches (12.5 centimeters) above the floor or ground, or under conditions that are approved in advance by the health authority.

2. Preparation and service of samples of produce is allowed, provided that the proper permits have been obtained from the health authority and the following sanitary requirements are met:

(a) Samples must be kept in approved, clean and sanitized containers.

(b) All food samples must be distributed by the producer in a sanitary manner.

(c) Clean, disposable plastic gloves must be used when cutting food samples.

(d) Food intended for consumption must be washed or cleaned with potable water to remove soil or other contaminants.

(e) Potable water must be available for handwashing and sanitizing.

(f) Samples of potentially hazardous food (time/temperature control for safety food) samples must be maintained at or below 41°F (5°C). All other food samples must be disposed of within 2 hours after cutting.

(g) Utensil and handwashing water must be disposed of in an approved sewerage system or in a manner approved by the health authority.

(h) Utensils and cutting surfaces must be smooth, easily cleanable and nonabsorbent. The requirement set forth in this paragraph does not preclude the use of single-service utensils, including, without limitation, toothpicks or similar items used to serve samples.

(i) Cutting boards and utensils used to cut, slice or prepare potentially hazardous food (time/temperature control for safety food) must be washed, rinsed and sanitized every 2 hours. If facilities are not available to accomplish the requirements set forth in this paragraph, additional cleaned and sanitized utensils and cutting boards must be on site and readily available for use.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.975 Produce stands offering samples. ([NRS 439.200](#), [446.940](#)) Produce stands offering samples of produce must meet the construction standards established for temporary food establishments set forth in this chapter.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.976 Toilet facilities. ([NRS 439.200](#), [446.940](#)) Approved toilet facilities must be available within 200 feet (61.5 meters) of any premises of a farmers' market or located as approved by the health authority.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.977 Handwashing facilities. ([NRS 439.200](#), [446.940](#)) Approved handwashing facilities must be present at each vendor's temporary food establishment. Paper towels and hand soap in a dispensing unit must be present

at each handwashing station.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.978 Prohibition regarding live animals and birds; exception. ([NRS 439.200](#), [446.940](#)) No live animals, birds or fowl may be kept or allowed within 20 feet (6 meters) of any area where food is stored or offered for sale. This section does not apply to service animals.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.979 Fresh poultry eggs. ([NRS 439.200](#), [446.940](#)) Fresh poultry eggs are allowed for sale at a farmers' market, provided that the following requirements are met:

1. The eggs must be sold by a producer certified by the State Department of Agriculture;
2. The eggs must be candled and graded with a minimum of Grade A;
3. An application for Direct Marketing of Poultry Eggs at Farmers' Markets must be on file with the State Department of Agriculture;
4. All records, including, without limitation, temperature maintenance logs required by the State Department of Agriculture and the health authority, must be maintained and available for review;
5. The temperature at the shell in stored eggs following harvest up to the point of sale must not exceed 45°F (7.2°C); and
6. All eggs must be transported, stored and displayed in a safe and sanitary manner to minimize breakage and contamination.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.980 Circumstances under which health permit required. ([NRS 439.200](#), [446.940](#)) Except for certified producers of organic agricultural products and those producers who possess a certificate as a producer of farm products issued by the State Department of Agriculture or an equivalent federal, state or local agency, it is unlawful for any person to operate a produce stand in conjunction with a farmers' market or to sell food at a farmers' market unless such person possesses a valid health permit issued by the health authority.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)

NAC 446.981 Circumstances under which permit to operate food establishment required. ([NRS 439.200](#), [446.940](#))

1. Except for certified producers of organic agricultural products and those producers who possess a certificate as a producer of farm products issued by the State Department of Agriculture or an equivalent federal, state or local agency, any person desiring to operate a produce stand in conjunction with a farmers' market must comply with the requirements of [NRS 446.875](#).
2. The health authority may restrict or disallow the sampling or sale, or both, of food items based on the findings of an inspection or an unacceptable risk to the public health.

(Added to NAC by Bd. of Health by R069-10, eff. 12-18-2013)