

# 2023 Food Regulation Summary of Major Changes

In November 2022, the Southern Nevada Health District (SNHD) Board of Health approved the *2023 Food Regulations* (Regulations) effective May 1, 2023. Highlights of the proposed changes are provided below alongside the violation(s) normally assessed if the item is found to be out of compliance. The following list is not all inclusive. For all changes, please review the *2023 Food Regulations\**.

CHAPTER 1		
<ul style="list-style-type: none"> <li>Critical violation now called Priority item. Major violation now called Priority Foundation item. Good Management Practice violation now called Core item.</li> <li>Sesame has been added to the list of 9 Major Food Allergens.</li> </ul>		
CHAPTER 2		
Regulation	Description	Violation
2-102.2	Requires the person-in-charge (PIC) of a food establishment be a certified food protection manager (CFPM).	21, 27
2-103	Requires the PIC to inform food handlers in a verifiable manner of their responsibility to report information about their health as it relates to diseases transmissible through food.	21
2-201.1	<i>Salmonella</i> (non-Typhoidal) has been added to the list of reportable illnesses.	2, 21
2-201.2	Provides guidance on reporting, excluding, and restricting ill food handlers.	2, 21
2-301.2	Provides guidance on proper hand washing to include 10-15 seconds of vigorously rubbing hands with soap.	2
2-501	Requires food establishments have written procedures for the clean-up of vomiting and diarrheal events.	23
CHAPTER 3 (NOTE: $\pm 2^{\circ}\text{F}$ has been removed from all temperatures in the Regulations)		
3-203.2 (B)	Requires the date the last shellstock from a container is served/sold be recorded on the shellstock tag.	23, 25
3-301.1 (E)	Provides guidance on the written procedures that must be submitted to SNHD to obtain prior approval when allowing bare hand contact with ready-to-eat food. A waiver is no longer required.	1, 2, 23
3-401.1	Outlines changes to the cooking times/temperatures of raw animal foods. Subparagraph (D)(2) prohibits the sale/service of raw or undercooked comminuted meat on a children's menu.	7, 17
3-401.4	Provides guidance on non-continuous cooking of raw animal foods. SNHD approved written procedures required if not prepared for same day service.	23
3-404 (B)	Outlines requirements for durably packaged untreated juice. An SNHD approved warning label is required on the package of untreated juice. A waiver is no longer required.	1, 23
3-501.3	Outlines requirements for thawing of time/temperature control for safety foods (TCS). If thawed using running water, the temperature of the water must be $\leq 70^{\circ}\text{F}$ .	19
3-501.3.1	Outlines requirements for thawing frozen fish packaged in a reduced oxygen environment.	19
3-501.6	Outlines requirements for cold and hot holding of TCS foods at $\leq 41^{\circ}\text{F}$ , $\geq 135^{\circ}\text{F}$ , or if between $42-45^{\circ}\text{F}$ , labeled with an expiration date and used or discarded within 24 hours.	9
3-501.9	Outlines requirements for storing TCS foods using Time as a Public Health Control (TPHC). If stored for 4 hours, mark food to indicate the time 4 hours past removal from temperature control. If stored for 6 hours, mark food with the time removed from temperature control and the time 6 hours past that. Subparagraph (B) outlines provisions for certain foods that may be held under TPHC with an initial temperature of $\leq 70^{\circ}\text{F}$ . Foods in unlabeled containers must be discarded.	1

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3-502.1 (C)	Provides guidance on obtaining exemption approval for the waiver requirement when using food additives to preserve and/or extend shelf life for certain foods (e.g., sushi rice, salsa, masa).	1
3-502.2	Outlines the requirements for reduced oxygen packaging (ROP) without a waiver. Acknowledgement of receipt from SNHD must be received prior to implementing the submitted ROP HACCP plan. Subparagraph (F) outlines parameters for packaging TCS food in ROP without a HACCP plan; must label with production date/time, store at ≤ 41°F, and remove from ROP within 48 hours.	1
<b>CHAPTER 4</b>		
4-501.14	Provides guidance on sanitizer solution concentration in working containers and warewashing. Subparagraph (A) requires solutions of chlorine sanitizer less than 50-100 ppm meet specific requirements for temperature and pH.	12, 14
4-602.1 (C)-(E)	Outlines requirements for the frequency of cleaning of in-use utensils. If stored in water ≥135°F wash once every 24 hours, if in water ≤41°F or stored dry wash once every 4 hours.	14
4-602.1 (F)	Requires that consumable ice packaged onsite be tested every 6 months by an approved lab for the presence of coliforms. Records are to be maintained for 2 years.	6, 23
4-702 (C)(1)	Reduces the contact time for chlorine sanitizer solution to 10 seconds.	14
<b>CHAPTER 5</b>		
5-1	Removes requirement for 120°F minimum hot water temperature at the 3-compartment sink. Adequate hot water for handwashing (5-202.2) and warewashing (4-501.9, 4-501.10) must be provided. Warewashing machines must have adequate hot water supply as specified by the manufacturer.	4, 14, 15
5-203.2	Removes requirement for a specific number of restrooms dependent on the number of dining room seats. Minimum of one toilet must be provided and as many as are required by the Uniform Plumbing code.	n/a
5-203.5	Outlines provisions for permissible types of backflow prevention devices on carbonators. Removes requirement of a reduced pressure zone (RPZ) valve.	22, 32
<b>CHAPTER 6</b>		
6-301.2	Removes requirement to permanently affix handwashing soap dispensers.	15
6-301.5	Requires handwashing signage to be provided at all wall-mounted handwashing sinks used by food handlers.	27
6-501.14 (B)	Removes requirement for a waiver when allowing dogs in outdoor dining areas. Must now operate in accordance with a signed <i>Dogs in Outdoor Dining Areas Agreement</i> (Appendix C).	16
<b>CHAPTER 8</b>		
8-303.1 (C)	A new permit for a change of permit holder will be issued to an establishment when the final permitting inspection has 15 or fewer demerits.	n/a
8-304.2	Requires the permit holder notify SNHD in writing no later than 30 calendar days of closure or establishment update, responsible for any fees incurred.	n/a
8-403.2 (B)-(I)	<p>Outlines the food establishment grading system.</p> <ul style="list-style-type: none"> <li>• For permits that receive inspections graded with an A, B, or C system: <ul style="list-style-type: none"> <li>• A repeat of a priority item on a <u>routine inspection</u> will result in a downgrade</li> <li>• A repeat of a priority or priority foundation item on a <u>reinspection</u> will result in a further downgrade or closure</li> </ul> </li> <li>• For pass/fail permits like annual itinerants and farmers markets: <ul style="list-style-type: none"> <li>• A repeat priority item on a <u>routine inspection</u> will result in a closure</li> </ul> </li> </ul>	n/a

\*For a copy of the 2023 Food Regulations and resource materials please visit [www.snhd.info/foodreg23](http://www.snhd.info/foodreg23).