

EXHIBIT J

DEPARTMENT OF HEALTH, ENVIRONMENTAL HEALTH

SUBJECT: Outdoor Mass Gatherings

DESCRIPTION: The Mass Gatherings Regulations were first approved in 1973 with no changes or updates. Due to recent large events, the need for some of the requirements of this regulations was outdated. Environmental Health, Emergency Medical Services, Dr. Sandra Snow, and Carla Grayson have collaborated to update the regulation to reflect the real needs of this type of event in light of increased medical technology and abilities.

A summary of the changes include:

- The name "outdoor" mass gathering.
- Duration increased from 12 hours to 24 hours.
- Maximum number of persons the event can handle must be reported.
- Minimum number of facilities is defined, including increased number of toilets, hand sinks, and waste receptacles.
- Wording changes reflect current agencies' names.
- Food service section mostly removed, and wording allowing food service as approved by the department.
- Medical level decreased from physician level to EMS level onsite.
- A medical facility(ies) must be identified as a backup in planning the event.
- Site preparation and site specific information must be provided.
- Contingency plans must be made for potential hazardous weather conditions which may be possible during the event.

PUBLIC COMMENT: A public hearing was held on February 12, 2010, and the public comment period expired that date. No public comments were submitted to the agency. The proposed effective date is June 15, 2010.

CONTROVERSY: This is not expected to be controversial.

FINANCIAL IMPACT: There is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code Annotated § 20-7-109(a)(1)(A) authorizes the State Board of Health to make all necessary and reasonable rules and regulations of a general nature for the protection of public health and safety.

**RULES AND REGULATIONS
PERTAINING TO
OUTDOOR MASS GATHERINGS**

ACT 96 OF 1913
(ARK. CODE ANN. § 20-7-109)

DRAFT

OUTDOOR MASS GATHERINGS
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AUTHORITY

The following Rules and Regulations Pertaining to Outdoor Mass Gatherings are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, Act 96 of 1913 (Ark. Code Ann. § 20-7-109).

SECTION I. DEFINITIONS

The following terms are defined for the purpose of these Regulations:

A. Department

The Arkansas Department of Health

A. B. Outdoor Mass Gatherings

An actual or reasonably anticipated assembly of more than 1,000 persons who will remain at the location of the gathering for a continuous period of ~~12~~ 24 hours or more. This definition does not apply to stadiums, athletic fields, arenas, coliseums, amusement parks, or government sponsored fairgrounds.

B. C. Sponsor

Any person, group of persons, association, partnership, firm, corporation or other legal entity that organizes, promotes, manages or holds an outdoor mass gathering.

SECTION II. COMPLIANCE

Before any person, firm, corporation or governmental agency proposes or advertises to create or hold an outdoor mass gathering for entertainment, music, exhibition or other assemblies which will continue for ~~12~~ 24 hours or more, the sponsors shall receive the approval of the ~~State Department of Health~~. A Preliminary Notice of Intent shall be submitted at least 90 days before the outdoor mass gathering is to be held and a detailed plan of sanitation and medical care shall be submitted at least 45 days before the outdoor mass gathering is to be held. The sponsors shall be responsible for compliance with these Regulations. Requests for waivers or exceptions to these regulations will be considered on a case-by-case basis and approval will be at the discretion of the Department.

SECTION III. PRELIMINARY NOTICE OF INTENT AND PLANS TO BE SUBMITTED

A. The Preliminary Notice of Intent shall include the following items of information:

1. The full names and addresses of the persons responsible for the installation, maintenance and operation of the sanitary facilities, solid waste disposal, food service and emergency medical facilities.
2. The name, location, dates and time of the outdoor mass gathering.
3. A narrative statement as to the purpose of the gathering, and expected attendance.
4. The maximum number of persons the sponsor will allow to attend the outdoor mass gathering.

B. The detailed plans shall include:

1. A map of the site and surrounding vicinity which shows all pertinent dimensions and topographical features;
2. A layout of the site showing streets, roads and routes of ingress and egress;
3. A layout of the site showing the location and description of the sanitary and medical facilities;
4. Detailed engineering plans and specifications for the water supply and sewage disposal facilities.
5. The plan the sponsor intends to use to limit attendance to the maximum number stated in the Notice of Intent.

C. A narrative description shall be submitted setting forth methods of operation and equipment necessary to comply with the provisions and requirements included herein.

D. A list of the food service establishments with names and addresses of the owners shall be submitted.

E. A written plan, accompanied by suitable maps, for the evacuation of sick or injured persons shall be provided. This plan should include routes and alternate routes of evacuation and the name and location of the hospital(s) to be utilized.

SECTION IV. WATER QUALITY

A. Quality

All water provided shall be in accordance with the physical, chemical and bacteriological requirements of the U. S. Public Health Service Drinking Water Standards, or the latest revision thereof. Where a public water system is available, a connection must be made thereto. If a source other than a public water supply is used, it shall meet the requirements of the Rules and Regulations of the State Board of Health for Public Water Supplies, and shall be chlorinated adequately.

B. Quantity

A minimum of one gallon per day per person shall be provided for the anticipated attendance.

D. Distribution and Storage

1. All water should be delivered under pressure through a system of distribution lines to water outlets of approved design. The minimum pressure at any point in the system shall be twenty pounds per square inch. ~~The hauling of water in tank trucks and the dispensing of water by centrally located containers or coolers will be considered only when justified.~~
2. Storage facilities equal to one-half of one day's total water usage is recommended.
3. Hydrants equipped with self-closing faucets shall be provided at a ratio of not less than one for every 1000 persons or fraction thereof.
4. Each faucet shall be mounted on a minimum thirty-six inch riser. The riser is to be securely mounted to a supporting structure equal in strength to a four by four inch timber that is which is securely anchored in the ground. Each faucet or hydrant shall have a seepage pit located directly beneath the outlet. Each pit shall contain at least two and one-half cubic feet of clean coarse gravel.
5. If drinking fountains are provided, the water shall be dispensed at an angle and the orifice must be protected by a mouth guard.

6. If camping and activity areas are separately designated, forty percent of the total required faucets shall be located in the activity area(s) and sixty percent of the total number of required faucets shall be located in the camping area(s).

7. A minimum of one faucet shall be located not more than twenty-five feet from each food service facility and a minimum of one faucet shall be located not more than twenty-five feet from any emergency medical facility.

SECTION V. WATER SUPPLY DESIGN AND OPERATION

A. The water supply shall be designed and operated in accordance with the Rules and Regulations of the State Board of Health Pertaining to Public Water Supplies.

B. Prior to placing the water supply system into use, all portions of the system shall be disinfected by adding a chlorine solution of not less than 50 ppm and retaining the mixture within all portions of the system for at least 24 hours. Following disinfection, the system is to be flushed thoroughly of the chlorine solutions, and then bacteriological water samples shall be collected daily and submitted to the State Department of Health until two consecutive samples show the water to be safe for drinking.

C. During normal operation conditions, a chlorine residual of at least 0.2 ppm shall be maintained at all times throughout the distribution system.

SECTION VI. TOILET FACILITIES

A. Toilet facilities, separate for each sex and plainly marked "MEN" or "WOMEN" shall be provided at rate of at least one toilet for each ~~500~~ 100 persons, or fraction thereof, in attendance.

~~B. Privies, if provided, shall be constructed in accordance with Bulletin No. 10 of the State Department of Health. Privies shall be maintained in a sanitary condition at all times.~~

~~B.~~ Portable type toilets, if provided, shall have the waste there from collected at intervals of such frequency as to preclude overflow and shall be disposed of by a registered licensed septic tank pumper cleaner. Portable toilets shall be located such that service trucks ~~can~~ have access for collection in all weather conditions.

~~D C.~~ If camping and activity areas are designated separately, forty percent of the required number of toilets shall be located in the activity area and sixty percent of the required number of toilets shall be located in the designated camping areas.

~~E D.~~ When water carried sewage disposal facilities are provided, disposal permits shall be obtained from the Department of ~~Pollution Control and Ecology~~ Environmental Quality and the State Department of Health.

E. When portable toilets are provided, hand washing stations shall be provided at a ratio of one per ten portable toilets or fraction thereof. Soap, water, and single use hand drying devices shall be provided at each hand washing station. Where conditions preclude the use of soap and water, the Department may allow the use of sanitizing gel in place of soap and water. Sanitizing gel shall not be used in place of soap and water at hand washing stations used by food service workers.

SECTION VII. SOLID WASTE FACILITIES

A. Containers for refuse and solid waste collection shall be provided in such numbers to preclude indiscriminate disposal ~~on the grounds at the site. All solid waste collection containers shall be emptied daily or at intervals frequent enough to prevent overflow or create unsanitary conditions.~~

B. Solid waste storage containers shall be constructed of impervious material and have tight fitting lids and closures. Such containers shall be located conveniently throughout the area in such manner as to ~~encourage use of the containers and to~~ facilitate collection of the solid waste. Storage containers shall be provided at a minimum ratio of one cubic yard of storage container volume per each one hundred twenty-five persons or fraction thereof.

C. All stored solid waste shall be ~~collected~~ disposed of at such frequent intervals as may be necessary to maintain sanitary conditions. All stored solid waste shall be disposed of in a facility which has been approved by the Department of ~~Pollution Control and Ecology~~ Environmental Quality.

SECTION VIII. MINIMUM AREA SITE REQUIREMENTS

A. An area of at least ~~50~~ one hundred square feet per person, exclusive of the parking area, shall be provided at the premises.

B. The site selected for the outdoor mass gathering shall have good natural drainage. Areas which are swampy or known to be susceptible to flash flooding are not acceptable.

C. The sponsor shall acquire from the local agency(s) having jurisdiction for law enforcement and fire safety, that the minimum width of the roads complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering.

1. Roads at the outdoor mass gathering site shall be provided with culverts, tiles, and ditching wherever needed to prevent erosion.
2. Non-gravel dirt roads shall not be considered all weather roads.
3. All roads shall be graded so as to be self draining and shall be at all times maintained in such condition that emergency and other required vehicles can move upon them unencumbered while carrying out their functions.
4. No road or portion of any road constructed at the site shall exceed a maximum grade of twelve percent.

D. The sponsor of the outdoor mass gathering shall provide a suitable area for parking motor vehicles.

1. The total area provided for motor vehicle parking shall be based on a ratio of three hundred square feet for every four people anticipated.
2. Each motor vehicle parking space shall have a minimum width of ten feet and a minimum length of twenty feet.
3. All motor vehicle parking spaces shall be arranged to prevent blockages and allow vehicles free access to the exits at all times.

SECTION IX. FINAL CLEAN-UP

At the conclusion of the mass gathering, the site shall be cleaned up and all unsanitary conditions corrected. All refuse, litter, and solid waste generated by the event shall be removed from the site within twenty-four hours of the events end.

SECTION X. TRANSITORY FOOD SERVICE ESTABLISHMENTS

A. Due to the nature, location and variety of conditions surrounding the operation of temporary food service establishments at mass gatherings, it frequently is infeasible to provide the physical facilities required for permanent establishments. In order to assure adequate protection of food served by temporary establishments which are unable to meet fully the requirements for permanent food service establishments, it may be necessary to restrict the types of food sold, or the methods by which served, to modify some requirements for procedures and facilities, and/or to impose additional requirements. All food service establishments at the event shall have, on display, a valid Arkansas Food Service Permit.

B. COMPLIANCE

This Sub-section shall be deemed to have been satisfied when the following requirements are met:

1. Unrestricted establishments

For unrestricted food service operations, a temporary food service shall meet fully the requirements as set forth in Sections III through VII of the Rules and Regulations Pertaining to Food Service Establishments.

2. Restricted establishments

When, in the opinion of the Health Authority, no imminent hazard to the public health will result, temporary food service establishments which do not fully meet the requirements of Section III. Through VII. Of the Rules and Regulations Pertaining to Food Service Establishments may be permitted to operate when food preparation and service are restricted and deviations from full compliance are covered by the additional or modified requirements as set forth below:

a. The preparation of potentially hazardous foods such as cream filled pastries, custards and similar products, and meat, poultry and fish salads in the form of salads or sandwiches shall be prohibited. Provided, That this prohibition shall not apply to hamburgers, frankfurters and other food which require, prior to service only limited preparation such as seasoning and cooking. Provided further, That this prohibition shall not apply to any potentially hazardous food which

is obtained in individual servings, is stored in approved facilities which maintain such food at safe temperatures and is served directly in the individual, original container in which it was packaged at a commercial food establishment.

b. Ice which will be consumed, or which will come in contact with food, shall be obtained from an approved source in chipped, crushed or cubed form. Such ice shall be obtained in single service closed containers of an approved type, and shall be held therein until used.

c. Wet storage of packaged food and beverages shall be prohibited. Provided, that wet storage of pressurized containers of beverages may be permitted when the water contains at least 50 ppm of available chlorine, and the iced water is changed frequently enough to keep both the water and container clean; and Provided further, that non-pressurized glass containers of beverages, including milk, may be stored in direct contact with ice when immersion of the pouring lip in the ice is precluded; the storage containers are equipped with adequate drains which preclude the accumulation of water during use; the effluent created by the melting ice is disposed of so as not to create a nuisance and the storage container is kept clean.

d. Food contact surfaces of food preparation equipment such as grills, stoves and work tables shall be protected from contamination by customers and dust. Where necessary, effective shields shall be provided. Such shields shall enclose three sides with covers extending entirely over the grill or similar equipment.

e. Equipment shall be installed in such manner that the establishment can be kept clean so that food will not become contaminated.

f. An adequate supply of water for cleaning and hand washing shall be maintained in the establishment and auxiliary hot water for such purposes shall be provided.

g. Liquid waste which is not discharged into a sewerage system shall be disposed of in such manner as not to create a public hazard or nuisance condition.

h. Adequate facilities shall be provided for employee hand washing. Such facilities may consist of a pan, water, soap and individual paper towels.

i. Floors shall be of tight wood, asphalt or other cleanable material. Provided, that the Health Authority may accept dirt or gravel covered floors when graded to preclude the accumulation of liquids and covered with removable, cleanable wooden platforms or duckboards.

j. Walls and ceilings shall be constructed in such manner as to minimize the entrance of flies and dust. Temporary construction may be accepted. Ceilings may be of wood, canvas or other materials which protect the interior of the establishment from the elements; walls may be of such materials or of 16 mesh screening or equivalent. When flies are prevalent, counter service openings should be equipped with either self closing fly tight doors, or the opening protected by effective fans. Where fans are used for this purpose the size of the opening should be so limited that the fans employed will effectively prevent the entrance of flies.

k. Any other requirement deemed necessary by the Health Authority to protect the public health in view of the particular nature of the food service operation shall be met. All food preparation and service shall be operated in compliance with the current version of the Rules and Regulations Pertaining to Retail Food Establishments.

SECTION XI. MEDICAL CARE FACILITIES

A. At any outdoor mass gathering at least one Emergency Aid Station shall be provided at a location of easy access on the site. It shall be identified clearly by a prominent sign during the entire time of the mass gathering.

B. Staffing of the Emergency Aid Station shall consist of at least the following personnel:

1. A licensed (regular or temporary) physician in charge An Arkansas licensed paramedic who shall be present on the site and easily reachable during daylight hours (9:00 a.m. — 6:00 p.m.) and who will be available on short notice at night; scheduled events.

2. A If an Arkansas licensed Registered Nurse physician or nurse who is designated in charge when the physician in charge paramedic is not present who shall be on duty at the Emergency Aid Station at all times; the Registered Nurse must have an Arkansas licensed Medical Doctor on call as a backup for standing orders and emergencies.

3. In addition to the aforementioned individuals, an additional medically trained person approved by the physician in charge should be on duty in the Emergency Aid Station at all times for each 10,000 persons anticipated.

C. The Emergency Aid Station shall be housed in a tent or other weatherproof structure of at least 100 square feet floor area and shall have adequate head room for standing. The structure should have a level floor of wood or other weatherproof material elevated from the ground to prevent flooding in case of rain and should meet the approval of the ~~physician in-charge~~ Arkansas licensed paramedic.

~~D~~ C. The Emergency Aid Station shall be supplied with the following:

1. Electricity for incandescent or fluorescent lighting;
2. Electric lights inside and outside the structure;
3. At least one electric outlet for a ~~portable electric lamp~~ for lighting;
4. Suitable battery or gas lanterns for use in event of power failure;
5. ~~One "gooseneck" or other similar free standing portable lamp if minor surgery such as suturing of lacerations will be done;~~
6. ~~Items 1-5 will not be required if the mass gathering will not continue into nighttime hours;~~
75. Two beds or cots;
86. Six blankets;
97. Sturdy table;
108. Two chairs;
119. Locking chest for medicines including 1st line medicines and Adrenalin, Benadryl. All medicines are to be secured in accordance with the Ambulance Service Approved Policy as approved by the Department's Office of Pharmacy Control;
1210. Adequate shelves for storing supplies;
1311. Water dispenser of at least five gallons capacity;
1412. Disposable drinking cups;
1513. Portable oxygen supply with ~~mask~~ appropriate oxygen delivery device;
1614. Separate containers for T trash can for and medical waste disposal;
1715. Plastic liners for item 16;
1816. Portable stretcher for transport of injured persons;
1917. Paper towels;
2018. Fire extinguisher.

~~E~~ D. In addition to the items in Subsection D, an adequate supply of ~~surgical instruments and expendable items such as hand sanitizer, bandages, medicines, solutions, wash basins, sterile towels, drapes, etc., as deemed necessary by the physician in-charge~~ local Arkansas licensed physician and the local Arkansas licensed ambulance service, shall be on hand in the Emergency Aid Station. It shall be the responsibility of the sponsor of the event to have obtained from the ~~physician in-charge~~ local Arkansas licensed physician and the local Arkansas licensed ambulance service a list of such supplies and to have arranged with the ~~physician in-charge~~ local Arkansas licensed physician and the local Arkansas licensed ambulance service for obtaining the items well in advance of the proposed mass gathering.

F. ~~Any mass gathering which anticipates a large proportion of persons under 25 years old also should provide a second structure meeting the specifications of Section XI, Subsection C. and Section XI, Subsections D.1., D.2., D.4., D.6., D.7., D.8., and D.20. The structure should be located at least 50 feet from, but less than 200 feet from, the Emergency Aid Station. This structure should be maintained for management of drug reactions and overdoses under the direction of the physician in-charge and should be staffed at all times by at least two persons who have experience in counseling such problems and who are approved by the physician in-charge. The sponsor will notify hospitals in the area of the event and assure there will be emergency room accessibility for persons attending the mass gathering.~~

GE. Arkansas licensed A ambulances with drivers appropriate crew configurations as required by the Department's current Rules and Regulations for Emergency Medical Services shall be assigned full-time to the site on the basis of anticipated crowd size at the following rate:

Crowd Size	Number of Ambulances
Up to 10,000	1
10,000 to 50,000	2
For each 25,000 additional persons	1

The following shall be provided to ambulance crew members and other emergency personnel:

1. A map of the site and surrounding vicinity which show all pertinent dimensions and topographical features.
2. A layout of the site showing streets, roads, and routes of entrance and egress.
3. A layout of the site showing the location and description of medical facilities.

SECTION XII. HAZARDOUS WEATHER CONDITIONS

The sponsor shall develop contingency plans for dangerous weather conditions that may occur during the gathering. The contingency plans shall include evacuation, cancelation, or delay of the gathering and provisions for mitigation or support facilities.

SECTION XIII. PENALTY

Every firm, person, or corporation who violates any of the rules and regulations issued or promulgated by the State Board of Health or who violates any condition of a license, permit, certificate, or any other type of registration issued by the Board may be assessed a civil penalty by the Board. The penalty shall not exceed two hundred fifty dollars (\$250) for each violation. Each day of a continuing violation may be deemed a separate violation for the purposes of penalty assessments. However, no civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation. (Ark. Code Ann. § 20-7-101).

SECTION XIV. SEVERABILITY

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.

SECTION XV. REPEAL

All Regulations and parts of Regulations in conflict herewith are hereby repealed.

CERTIFICATION

This is to certify that the foregoing Rules and Regulations for Mass Gatherings in Arkansas were adopted by the Arkansas State Board of Health at a regular session of said Board held in Little Rock, Arkansas on the ___th day of _____, 2009.

Paul Halverson, DrPH, FACHE

Director and State Health Officer

Dated at Little Rock, Arkansas, this _____ day of _____, 2009

The foregoing Rules and Regulations, copy having been filed in my office, are hereby approved this _____ day of _____, 2009.

Mike Beebe

Governor

