

Title 20. Public Health and Welfare
Chapter I. Generally, Department of Health
Subchapter E. Environmental Health
Part 137. Rules Pertaining to Outdoor Mass Gatherings

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"AUTHORITY

The following Rules 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)."

"CERTIFICATION

This is to certify that the foregoing Rules 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 22nd day of April, 2010.

Paul Halverson, DrPH, FACHE Director and State Health Officer

The foregoing Rules, copy having been filed in my office, are hereby approved this 25th day of May, 2010.

Mike Beebe
Governor"

Subpart 1. Generally

20 CAR § 137-101. Definitions.

The following terms are defined for the purpose of this part:

(1) "Department" means the Department of Health;

(2)(A) "Outdoor mass gatherings" means an actual or reasonably anticipated assembly of more than one thousand (1,000) persons who will remain at the location of the gathering for a continuous period of twenty-four (24) hours or more.

(B) This definition does not apply to:

(i) Stadiums;

(ii) Athletic fields;

(iii) Arenas;

(iv) Coliseums;

(v) Amusement parks; or

(vi) Government sponsored fairgrounds; and

(3) "Sponsor" means any person, group of persons, association, partnership, firm, corporation, or other legal entity that organizes, promotes, manages, or holds an outdoor mass gathering.

Authority. Arkansas Code § 20-7-109.

20 CAR § 137-102. Compliance.

(a) 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 twenty-four (24) hours or more, the sponsors shall receive the approval of the Department of Health.

(b) A preliminary notice of intent shall be submitted at least ninety (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 forty-five (45) days before the outdoor mass gathering is to be held.

(c) The sponsors shall be responsible for compliance with this part.

(d) Requests for waivers or exceptions to this part will be considered on a case-by-case basis and approval will be at the discretion of the department.

Authority. Arkansas Code § 20-7-109.

20 CAR § 137-103. 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:

- (A) Sanitary facilities;
- (B) Solid waste disposal;
- (C) Food service; and
- (D) 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; and

(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; and

(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)(1) A written plan, accompanied by suitable maps, for the evacuation of sick or injured persons shall be provided.

(2) This plan should include:

(A) Routes and alternate routes of evacuation; and

(B) Name and location of the hospital or hospitals to be utilized.

Authority. Arkansas Code § 20-7-109.

20 CAR § 137-104. Water quality.

(a) Quality.

(1) All water provided shall be in accordance with the physical, chemical, and bacteriological requirements of the United States Public Health Service Drinking Water Standards, or the latest revision thereof.

(2) Where a public water system is available, a connection must be made thereto.

(3) If a source other than a public water supply is used, it shall:

(A) Meet the requirements of the Rules Pertaining to Semi Public Water Supplies, 20 CAR pt. 141; and

(B) Be chlorinated adequately.

(b) **Quantity.** A minimum of one (1) gallon per day per person shall be provided for the anticipated attendance.

(c) Distribution and storage.

(1)(A) All water should be delivered under pressure through a system of distribution lines to water outlets of approved design.

(B) The minimum pressure at any point in the system shall be twenty pounds per square inch (20 psi).

(2) Storage facilities equal to one-half (1/2) of one (1) 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 (1) for every one thousand (1,000) persons or fraction thereof.

(4)(A) Each faucet shall be mounted on a minimum thirty-six-inch riser.

(B) The riser is to be securely mounted to a supporting structure equal in strength to a four inch by four inch (4" x 4") timber that is securely anchored in the ground.

(C) Each faucet or hydrant shall have a seepage pit located directly beneath the outlet.

(D) Each pit shall contain at least two and one-half cubic feet (2 1/2 cu. ft.) 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:

(A) Forty percent (40%) of the total required faucets shall be located in the activity area or areas; and

(B) Sixty percent (60%) of the total number of required faucets shall be located in the camping area or areas.

(7) A minimum of one (1) faucet shall be located not more than twenty-five feet (25') from:

(A) Each food service facility; and

(B) Any emergency medical facility.

Authority. Arkansas Code § 20-7-109.

20 CAR § 137-105. Water supply design and operation.

(a) The water supply shall be designed and operated in accordance with the Rules Pertaining to Semi Public Water Supplies, 20 CAR pt. 141.

(b)(1) Prior to placing the water supply system into use, all portions of the system shall be disinfected by:

(A) Adding a chlorine solution of not less than fifty parts per million (50 ppm); and

(B) Retaining the mixture within all portions of the system for at least twenty-four (24) hours.

(2) Following disinfection:

(A) The system is to be flushed thoroughly of the chlorine solutions; and

(B) Then bacteriological water samples shall be collected daily and submitted to the Department of Health until two (2) consecutive samples show the water to be safe for drinking.

(c) During normal operation conditions, a chlorine residual of at least two-tenths parts per million (0.2 ppm) shall be maintained at all times throughout the distribution system.

Authority. Arkansas Code § 20-7-109.

20 CAR § 137-106. Toilet facilities.

(a) Toilet facilities, separate for each sex and plainly marked "MEN" or "WOMEN" shall be provided at rate of at least one (1) toilet for each one hundred (100) persons, or a fraction thereof, in attendance.

(b)(1) Portable toilets, if provided, shall have the waste collected at intervals of such frequency as to preclude overflow and shall be disposed of by a licensed septic tank cleaner.

(2) Portable toilets shall be located such that service trucks have access for collection in all weather conditions.

(c) If camping and activity areas are designated separately:

(1) Forty percent (40%) of the required number of toilets shall be located in the activity area; and

(2) Sixty percent (60%) of the required number of toilets shall be located in the designated camping areas.

(d) When water carried sewage disposal facilities are provided, disposal permits shall be obtained from the:

(1) Division of Environmental Quality; and

(2) Department of Health.

(e)(1) When portable toilets are provided, hand washing stations shall be provided at a ratio of one (1) per ten (10) portable toilets or fraction thereof.

(2) Soap, water, and single-use hand drying devices shall be provided at each hand washing station.

(3) Where conditions preclude the use of soap and water, the department may allow the use of sanitizing gel in place of soap and water.

(4) Sanitizing gel shall not be used in place of soap and water at hand washing stations used by food service workers.

Authority. Arkansas Code § 20-7-109.

20 CAR § 137-107. Solid waste facilities.

(a)(1) Containers for refuse and solid waste collection shall be provided in such numbers to preclude indiscriminate disposal at the site.

(2) All solid waste collection containers shall be emptied daily or at intervals frequent enough to prevent overflow or create unsanitary conditions.

(b)(1) Solid waste storage containers shall be constructed of impervious material and have tight-fitting lids and closures.

(2) Such containers shall be located conveniently throughout the area in such manner as to facilitate collection of the solid waste.

(3) Storage containers shall be provided at a minimum ratio of one cubic yard (1 cu. yd.) of storage container volume per each one hundred twenty-five (125) persons or fraction thereof.

(c)(1) All stored solid waste shall be disposed of at such frequent intervals as may be necessary to maintain sanitary conditions.

(2) All stored solid waste shall be disposed of in a facility which has been approved by the Division of Environmental Quality.

Authority. Arkansas Code § 20-7-109.

20 CAR § 137-108. Site requirements.

(a) An area of at least one hundred square feet (100 sq. ft.) per person, exclusive of the parking area, shall be provided at the premises.

(b)(1) The site selected for the outdoor mass gathering shall have good natural drainage.

(2) Areas which are swampy or known to be susceptible to flash flooding are not acceptable.

(c)(1) The sponsor shall acquire from the local agency or agencies having jurisdiction for law enforcement and fire safety, that the minimum width of the roads:

(A) Complies with state and local laws, ordinances, and rules; and

(B) Is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering.

(2) Roads at the outdoor mass gathering site shall be provided with culverts, tiles, and ditching wherever needed to prevent erosion.

(3) Nongravel dirt roads shall not be considered all weather roads.

(4) All roads shall be:

(A) Graded so as to be self-draining; and

(B) At all times maintained in such condition that emergency and other required vehicles can move upon them unencumbered while carrying out their functions.

(5) No road or portion of any road constructed at the site shall exceed a maximum grade of twelve percent (12%).

(d)(1) The sponsor of the outdoor mass gathering shall provide a suitable area for parking motor vehicles.

(2) The total area provided for motor vehicle parking shall be based on a ratio of three hundred square feet (300 sq. ft.) for every four (4) people anticipated.

(3) Each motor vehicle parking space shall have a:

(A) Minimum width of ten feet (10'); and

(B) Minimum length of twenty feet (20').

(4) All motor vehicle parking spaces shall be arranged to prevent blockages and allow vehicles free access to the exits at all times.

Authority. Arkansas Code § 20-7-109.

20 CAR § 137-109. Final clean-up.

(a) At the conclusion of the mass gathering, the site shall:

(1) Be cleaned up; and

(2) All unsanitary conditions corrected.

(b) All refuse, litter, and solid waste generated by the event shall be removed from the site within twenty-four (24) hours of the event's end.

Authority. Arkansas Code § 20-7-109.

20 CAR § 137-110. Food service establishments.

(a) All food service establishments at the event shall have on display a valid food service permit.

(b) **Compliance.** All food preparation and service shall be operated in compliance with the current version of the Rules Pertaining to Retail Food Establishments, 20 CAR pt. 170.

Authority. Arkansas Code § 20-7-109.

20 CAR § 137-111. Medical care facilities.

(a)(1) At any outdoor mass gathering, at least one (1) emergency aid station shall be provided at a location of easy access on the site.

(2) 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) An Arkansas-licensed paramedic who shall be present on the site and easily reachable during scheduled events; and

(2) If an Arkansas-licensed registered nurse is designated in charge when the paramedic is not present, the registered nurse must have an Arkansas-licensed medical doctor on call as a backup for standing orders and emergencies.

(c)(1) The emergency aid station shall:

(A) Be housed in a tent or other weatherproof structure of at least one hundred square feet (100 sq. ft.) floor area; and

(B) Have adequate head room for standing.

(2) The structure should:

(A) Have a level floor of wood or other weatherproof material elevated from the ground to prevent flooding in case of rain; and

(B) Meet the approval of the Arkansas-licensed paramedic.

(d) 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 (1) electric outlet for lighting;

(4) Suitable battery or gas lanterns for use in event of power failure;

(5) Two (2) beds or cots;

(6) Six (6) blankets;

(7) Sturdy table;

(8) Two (2) chairs;

(9)(A) Locking chest for medicines including first line medicines and Adrenalin, Benadryl.

(B) All medicines are to be secured in accordance with the Ambulance Service Approved Policy as approved by the Department of Health's Office of Pharmacy Services and Drug Control;

(10) Adequate shelves for storing supplies;

(11) Water dispenser of at least five gallons (5 gals.) capacity;

(12) Disposable drinking cups;

(13) Portable oxygen supply with appropriate oxygen delivery device;

(14) Separate containers for trash and medical waste disposal;

(15) Plastic liners for subdivision (d)(14) of this section;

(16) Portable stretcher for transport of injured persons;

(17) Paper towels; and

(18) Fire extinguisher.

(e)(1) In addition to the items in subsection (d) of this section, an adequate supply of expendable items such as hand sanitizer, bandages, medicines, solutions, wash basins, sterile towels, drapes, etc., as deemed necessary by the local Arkansas-licensed physician and the local Arkansas-licensed ambulance service, shall be on hand in the emergency aid station.

(2) It shall be the responsibility of the sponsor of the event to have:

(A) Obtained from the local Arkansas-licensed physician and the local Arkansas-licensed ambulance service a list of such supplies; and

(B) Arranged with the local Arkansas-licensed physician and the local Arkansas-licensed ambulance service for obtaining the items well in advance of the proposed mass gathering.

(f) The sponsor will notify hospitals in the area of the event and ensure there will be emergency room accessibility for persons attending the mass gathering.

(g) Arkansas-licensed ambulances with appropriate crew configurations as required by the department's current Rules for Emergency Medical Services, 20 CAR pt. 81, 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

(h) 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; and
- (3) A layout of the site showing the location and description of medical facilities.

Authority. Arkansas Code § 20-7-109.

20 CAR § 137-112. Hazardous weather conditions.

(a) The sponsor shall develop contingency plans for dangerous weather conditions that may occur during the gathering.

(b) The contingency plans shall include:

- (1) Evacuation, cancelation, or delay of the gathering; and
- (2) Provisions for mitigation or support facilities.

Authority. Arkansas Code § 20-7-109.

20 CAR § 137-113. Penalty.

(a) Every firm, person, or corporation who violates any of the rules 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.

(b) The penalty shall not exceed two hundred fifty dollars (\$250) for each violation.

(c) Each day of a continuing violation may be deemed a separate violation for the purposes of penalty assessments.

(d) 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.

(e) Arkansas Code § 20-7-101.

Authority. Arkansas Code §§ 20-7-101, 20-7-109.

20 CAR § 137-114. Severability.

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

Authority. Arkansas Code § 20-7-109.

20 CAR § 137-115. Repeal.

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

Authority. Arkansas Code § 20-7-109.