

1 stove, table, temperature measuring device for ambient air, vending machine, or warewashing
2 machine.

3 (11) "Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or
4 intended for use or for sale in whole or in part for human consumption, or chewing gum.

5 (12) "Food-contact surface" means:

6 (a) A surface of equipment or a utensil with which food normally comes into contact; or

7 (b) A surface of equipment or a utensil from which food may drain, drip, or splash:

8 (i) Into a food product; or

9 (ii) Onto a surface normally in contact with food.

10 (13) "Food employee" means an individual working with unpackaged food, food equipment or utensils,
11 or food-contact surfaces.

12 (14) "Furnishings" means furniture, fittings, window coverings, and other accessories, including
13 decorative accessories.

14 (15) "Good Repair" means equipment and utensils shall be maintained in a state of repair and condition
15 that meets the requirements specified under Parts 4-1 and 4-2 of the Food Code as incorporated by
16 reference in Rule 15A NCAC 18A .2650.

17 (16) "Guest Rooms" means the accommodations or designated areas for persons who pay for the services
18 of the lodging establishment, such as bedrooms, suite areas, and bathrooms.

19 (17) "Handwashing sink" means a lavatory, basin, or vessel for washing, a washbasin, or a plumbing
20 fixture placed for use in personal hygiene and designed for the washing of the hands. This includes
21 an automatic handwashing facility.

22 (18) "Hazard" means a biological, chemical, or physical property that may cause an unacceptable
23 consumer health risk.

24 (19) "Kitchenware" means food preparation and storage utensils.

25 (20) "Linen" means fabric items such as bedding, towels, cloth hampers, cloth napkins, table cloths,
26 wiping cloths, and work garments including cloth gloves.

27 (21) "Lodging establishment" means all hotels, motels, inns, tourist homes, and other places providing
28 lodging accommodations for pay. Facilities described in G.S. 130A-250 (1) through (5) shall not be
29 regulated as "lodging establishment." For the purposes of this Section, the term lodging
30 establishment also includes bed and breakfast homes and bed and breakfast inns, unless otherwise
31 described.

32 (22) "mg/L" means milligrams per liter, which is the metric equivalent of parts per million (ppm).

33 (23) "Packaged" means bottled, canned, cartoned, bagged, or wrapped, whether packaged in a food
34 establishment or a food processing plant.

35 (24) "Permit" means the document issued by the regulatory authority that authorizes a person to operate
36 a lodging establishment.

37 (25) "Permit Holder" means:

- 1 (a) The person in charge who resides in and owns or rents the bed and breakfast home or bed
2 and breakfast inn.
- 3 (b) The legal entity responsible for the operation of the lodging establishment, such as the
4 owner, the owner's agent, or other person.
- 5 (26) "Person" means person as defined in G.S. 130A-2(7).
- 6 (27) "Person in charge" means the individual present at a lodging establishment who is responsible for
7 the operation at the time of inspection.
- 8 (28) "Physical facilities" means the structure and interior surfaces of a lodging establishment, including
9 furnishings and accessories such as soap and towel dispensers and attachments, such as light fixtures
10 and heating or air conditioning system vents.
- 11 (29) "Poisonous or toxic materials" means substances that are not intended for ingestion and are included
12 in four categories:
- 13 (a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as
14 caustics, acids, drying agents, polishes, and other chemicals;
- 15 (b) Pesticides, except sanitizers, which include substances such as insecticides and
16 rodenticides;
- 17 (c) Substances that are necessary for the operation and maintenance of the establishment such
18 as nonfood grade lubricants and personal care items that may be deleterious to health; and
- 19 (d) Substances that are not necessary for the operation and maintenance of the establishment
20 and are on the premises for retail sale, such as petroleum products and paints.
- 21 (30) "Potentially Hazardous Food" means potentially hazardous food (time/temperature control for
22 safety food) as defined in 15A NCAC 18A .2651.
- 23 (31) "Premises" means the physical facility, its contents, and the contiguous land or property under the
24 control of the permit holder.
- 25 (32) "Proper" means right, correct, or accepted.
- 26 (33) "Refuse" means solid waste not carried by water through the sewage system.
- 27 (34) "Registered Environmental Health Specialist" means a Registered Environmental Health Specialist
28 as defined in G.S. 90A-51(2b) and G.S. 90A-51(4) and authorized agent of the Department.
- 29 (35) "Regulatory Authority" means the ~~department~~ Department or authorized agent of the Department.
- 30 (36) "Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact
31 surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal
32 to a 99.999% reduction, of representative disease microorganisms.
- 33 (37) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and
34 may include liquids containing chemicals in solution.
- 35 (38) "Single-use articles" means tableware, carry-out utensils, and other items such as bags, containers,
36 placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time,
37 one person use after which they are intended for discard. It also includes utensils and bulk food

1 containers designed and constructed to be used once and discarded, such as wax paper, butcher
2 paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers,
3 pickle barrels, ketchup bottles, and number 10 cans.

4 (39) "Tableware" means eating, drinking, and serving utensils for table use such as flatware including
5 forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and
6 plates.

7 (40) "Temperature measuring device" means a thermometer, thermocouple, thermistor, or other device
8 that indicates the temperature of food, air, or water.

9 (41) "Transitional Permit" means a permit issued by the regulatory authority upon the transfer of
10 ownership or lease of an existing lodging establishment to allow the correction of construction and
11 equipment problems that do not represent an immediate threat to public health.

12 (42) "Utensil" means a food-contact implement or container used in the storage, preparation,
13 transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse,
14 single-service, or single-use; gloves used in contact with food; temperature sensing probes of food
15 temperature measuring devices; and probe-type price or identification tags used in contact with food.

16 (43) "Warewashing" means the cleaning and sanitizing of utensils and food-contact surfaces of
17 equipment.

18
19 *History Note: Authority G.S. 130A-248;*

20
21 15A NCAC 18A .1822 is proposed for adoptions as follows:

22
23 **15A NCAC 18A .1822 MANAGEMENT AND PERSONNEL**

24 Bed and breakfast homes or bed and breakfast inns shall comply with Parts 2-1 through 2-4 of the Food Code as
25 amended by Rule 15A NCAC 18A .2652, with the following exceptions:

26 (1) Food preparation shall not be prohibited in a bed and breakfast home or bed and breakfast inn.

27 (2) Nothing shall prohibit family style dining or return to self-service areas such as buffets in a bed and
28 breakfast home or bed and breakfast inn.

29 (3) The requirements of this section ~~are~~ shall be effective on July 1, 2018.

30
31 *History Note: Authority G.S. 130A-248;*

32
33 15A NCAC 18A .1823 15A is proposed for adoptions as follows:

34
35 **15A NCAC 18A .1823 FOOD**

36 (a) Except as required by G.S. 130A-247 through 130A-250, food services at lodging establishments shall not be
37 required to obtain food establishment permits.

1 (b) Food prepared in a bed and breakfast home or a bed and breakfast inn shall comply with Chapter 3 of the Food
2 Code as amended by Rule 15A NCAC 18A .2653. The rules in this Section shall not prohibit family style service in
3 bed and breakfast homes and bed and breakfast inns, and no additional protection or labeling of food shall be
4 required during display and service in these establishments.

5 (c) In lodging establishments, ice used for room service shall be manufactured from an approved water supply that
6 complies with Law and shall be stored and handled in a sanitary manner. All ice machines for use by guests shall
7 dispense ice without exposing stored ice to guests.

8
9 *History Note: Authority G.S. 130A-248;*

10
11 15A NCAC 18A .1824 is proposed for adoptions as follows:

12
13 **15A NCAC 18A .1824 EQUIPMENT AND UTENSILS**

14 (a) Food-contact surfaces shall comply with Parts 4-1 and 4-2 of the Food Code as amended by Rule 15A NCAC 18A
15 .2654. This shall not prohibit the use of domestic equipment.

16 (b) Equipment and utensils shall be kept clean and in good repair.

17 (c) All kitchenware and food-contact surfaces of equipment, excluding cooking surfaces of equipment, used in the
18 preparation or serving of food or drink, and all food storage utensils, in a bed and breakfast home or bed and breakfast
19 inn shall be cleaned and sanitized, as required in Parts 4-6 and 4-7 of the Food Code as amended by Rule 15A NCAC
20 18A .2654 after each use, air dried, and stored in a manner to prevent contamination.

21 (d) Cooking surfaces of equipment in a bed and breakfast home or bed and breakfast inn shall be cleaned at ~~least~~
22 minimum once each day.

23 (e) Nonfood-contact surfaces of equipment shall be clean.

24 (f) Sanitizers used for sanitization of kitchenware and food-contact surfaces shall be maintained at proper
25 concentrations as required in Part 4-5 of the Food Code as amended by Section .2654 of the "Rules Governing the
26 Food Protection and Sanitation of Food Establishments."

27 (g) Nothing in this Rule shall require sanitization as exempted in guest rooms per G.S. 130A-248 (3).

28 (h) Single-use articles may be used if discarded after each use. Single-use articles must be ~~properly~~
29 to prevent contamination.

30 (i) A food temperature measuring device with a small diameter probe shall be provided and accessible for use by
31 employees in ensuring attainment and maintenance of food temperatures.

32 (j) A test kit or other device that accurately measures the concentration in mg/L of sanitizing solutions shall be
33 provided by the lodging establishment.

34 (k) Equipment for preparing coffee and tea shall be kept clean, but is exempt from sanitization required by Paragraph
35 (c) of this Rule.

36
37 *History Note: Authority G.S. 130A-248;*

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15A NCAC 18A .1825 is proposed for adoptions as follows:

15A NCAC 18A .1825 WATER, PLUMBING, AND WASTE

(a) Water, plumbing, and waste shall comply with Chapter 5 of the Food Code as amended by Rule 15A NCAC 18A .2655. The requirements of Sections 5-202.12, 5-203.11, 5-203.12, 5-203.13, 5-204.11, and 5-205.11 of the Food Code as amended by Rule 15A NCAC 18A .2655 shall be effective one year after the effective date of this Rule. Bed and Breakfast Homes that are permitted prior to April 2017 and only serve the breakfast meal shall not be required to provide a separate handwashing sink in the kitchen.

(b) A handwashing sink, located to allow use by employees handling clean and soiled linen, shall be provided. This requirement shall be effective one year after the effective date of these rules. Facilities that do not have handwashing lavatories in soiled linen areas as required shall not be required to install additional lavatories if an approved hand hygiene program is used.

(c) All refuse shall be collected and stored in covered receptacles. Refuse receptacles shall be kept clean and in good repair.

(d) Where dumpsters are used, a contract for off-site cleaning shall constitute compliance with the provision for cleaning.

(e) Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will keep development of objectionable odors and other conditions that attract or harbor insects and rodents.

History Note: Authority G.S. 130A-248;

15A NCAC 18A .1826 is proposed for adoptions as follows:

15A NCAC 18A .1826 PHYSICAL FACILITIES

(a) Handwashing sinks as required in Rule .1825 in this Section shall be supplied with hand soap, and either individual, disposable towels or an approved hand drying device.

(b) Toilets or urinals shall be provided as in Rule .1825 in this Subchapter and shall have a supply of toilet tissues available at each toilet.

(c) The light intensity shall be at least 215 lux/30 foot candles at a distance of 75 cm/30 inches above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms.

(d) Where natural ventilation only is provided, outside openings shall be screened and in good repair. -Windows and doors shall be kept clean and in good repair.

(e) Physical facilities shall be kept clean and in good repair.

(f) Perimeter walls and roofs shall ~~effectively~~ protect the lodging establishment from the weather and the entry of insects, rodents, and other pests.

1 (g) "Furnishings," bathroom fixtures, carpets, and other accessories in guest rooms, shall be kept clean and in good
2 repair.

3 (h) The premises and guest rooms shall be maintained free of insects, rodents, and other pests. The presence of
4 insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by: -inspecting incoming
5 shipments of food and supplies; inspecting the premises for evidence of pests; and eliminating harborage conditions.

6 (i) Live animals shall be prohibited from entering areas of food preparation, storage, sales, display, or dining.

7
8 *History Note: Authority G.S. 130A-248;*

9
10 15A NCAC 18A .1827 is proposed for adoptions as follows:

11
12 **15A NCAC 18A .1827 PREMISES, STORAGE, POISONOUS OR TOXIC MATERIALS**

13 (a) There shall be no fly or mosquito breeding places, rodent harborages, or undrained areas on the premises. The
14 premises shall free of litter and items unnecessary to the operation or maintenance of the lodging establishment, such
15 as equipment that is nonfunctional or no longer used.

16 (b) Only pesticides that have been registered with the EPA and with the N.C. Department of Agriculture and Consumer
17 Services shall be used and only for the specific use for which they have been approved. Such pesticides shall be used
18 as directed on the label and shall be handled and stored to avoid health hazards. Pesticides shall not be accessible to
19 guests.

20 (c) Household cleaning agents such as bleaches, detergents, and polishes shall be used and stored according to
21 manufacturer's recommendations.

22 (d) Sanitizing solutions shall not be stored in or dispensed from containers previously containing other poisonous or
23 toxic materials.

24 (e) Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements
25 specified in "§ 40 CFR 180.940," tolerance exemptions for active and inert ingredients for use in antimicrobial
26 formulations (food-contact surface sanitizing solutions). § 40 CFR 180.940 is hereby incorporated by reference,
27 including all subsequent editions and amendments.

28 (f) Medications under the control of the permit holder shall be stored in a ~~separate~~ cabinet, closet, or box not
29 accessible to children and in a manner to avoid contamination of food and food contact surfaces.

30 (g) A storage area shall be provided for building and ground maintenance tools and supplies and stored in a manner
31 to avoid contamination of food and food contact surfaces.

32
33 *History Note: Authority G.S. 130A-248;*

34
35 15A NCAC 18A .1828 is proposed for adoptions as follows:

36
37 **15A NCAC 18A .1828 LAUNDRY AND LINENS**

1 (a) Clean bed and bath linen in good repair shall be provided for each guest who is provided accommodations and
2 shall be changed between successive guests.

3 (b) Two sheets shall be provided for each bed. The lower sheet shall be folded under both ends of the mattress. The
4 upper sheet shall be folded under the mattress at the lower end and folded over the ~~cover~~ bedding or blankets for a at
5 least six inches at the top end.

6 (c) Clean linen and supplies shall be stored in cabinets, or on shelves in linen and supply storage rooms. Cabinets,
7 shelves, and storage rooms shall be in good repair and kept clean.

8 (d) Items on housekeeping carts shall be arranged in a manner to prevent cross-contamination between soiled and
9 cleaned items. Housekeeping carts shall be kept clean and stored to protect items from contamination.

10 (e) Soiled laundry shall be handled and stored separately from clean laundry using separate cleanable carts or bags.
11 Carts used for soiled laundry shall be labeled or identified for soiled laundry use only.

12
13 *History Note: Authority G.S. 130A-248;*

14
15 15A NCAC 18A .1829 is proposed for adoptions as follows:

16
17 **15A NCAC 18A .1829 PERMITS**

18 (a) No permit for a lodging establishment shall be issued to a person until an evaluation by the regulatory authority
19 shows that the establishment complies with this Section. However, for bed and breakfast homes and inns, the
20 regulatory authority shall allow a period of 210 days after the date of issuance to comply with the certified food
21 protection manager requirements in Rule 1822(3).

22 (b) Upon transfer of ownership of an existing lodging establishment, the regulatory authority shall complete an
23 evaluation. If the lodging establishment satisfies all the requirements of the rules, a permit shall be issued. If the
24 lodging establishment does not satisfy all the requirements of the rules, a permit shall not be issued. A transitional
25 permit shall be issued if the regulatory authority determines that the noncompliant items are construction or equipment
26 problems that do not represent an immediate threat to public health. The transitional permit shall expire 180 days
27 after the date of issuance, unless suspended or revoked before that date, and shall not be renewed. Upon expiration
28 of a transitional permit, the permit holder shall have corrected the noncompliant items and obtained a permit, or the
29 lodging establishment shall not continue to operate.

30 (c) The regulatory authority shall impose conditions on the issuance of a permit or a transitional permit if necessary
31 to ensure that a lodging establishment remains in compliance with this Section. Conditions may be specified for one
32 or more of the following areas:

33 of the following areas:

34 (1) The number of bedrooms or persons housed;

35 (2) The amount of laundry or kitchen and warewashing equipment on the premises;

36 (3) Time schedules in completing minor construction items;

- 1 (4) Modification or maintenance of water supplies, water use ~~fixtures~~-fixtures, and sanitary sewage
- 2 systems;
- 3 (5) Use of facilities for more than one purpose;
- 4 (6) Continuation of contractual arrangements upon which basis the permit was issued;
- 5 (7) Submission and approval of plans for renovation, or;
- 6 (8) Any other conditions necessary for a lodging place to remain in compliance with this Section.;

7 (d) If a permit or transitional permit has been suspended, the suspension shall be lifted if the regulatory authority has
8 evaluated the lodging establishment and found that the violations causing the suspension have been corrected. If a
9 permit or transitional permit has been revoked, a new permit shall be issued only after the regulatory authority has
10 evaluated the lodging establishment and found it to comply with all applicable rules. The evaluations shall be
11 conducted within 15 days after the request is made by the permit holder.

12
13 *History Note: Authority G.S. 130A-248;*

14 15A NCAC 18A .1830 is proposed for adoptions as follows:

15
16 **15A NCAC 18A .1830 PUBLIC DISPLAY OF GRADE CARD**

17 (a) Upon initial inspection of a lodging establishment or if a renovation or other change in the establishment makes
18 the grade card not visible, the regulatory authority shall designate the location for posting the grade card. The grade
19 card shall be located in a conspicuous place where it may be readily observed by the public upon entering the lodging
20 establishment. If the person in charge of the lodging establishment objects to the location designated by the regulatory
21 authority, then the person in charge may suggest an alternative location that meets the criteria of this Rule.

22 (b) When an inspection of a lodging establishment is made, the regulatory authority shall remove the existing grade
23 card, issue a new grade card, and post the new grade card in the same location where the grade card was previously
24 posted as long as that location remains conspicuous. The person in charge of the lodging establishment shall keep the
25 grade card posted at the designated location at all times. The grade card may be posted in another location that meets
26 the criteria of this Rule if agreed upon by the person in charge and the regulatory authority.

27
28 *History Note: Authority G.S. 130A-248; G.S. 130A-249;*

29
30 15A NCAC 18A .1831 is proposed for adoptions as follows:

31
32 **15A NCAC 18A .1831 INSPECTIONS AND REINSPECTIONS**

33 (a) Upon entry into a lodging establishment, the regulatory authority shall provide identification and the purpose in
34 visiting that establishment. The regulatory authority shall inquire as to the identity of the person in charge and invite
35 the person in charge to accompany the regulatory authority during the inspection. If no employee is identified as the
36 person in charge, the regulatory authority shall invite an employee to accompany them on the inspection. Following

1 the inspection, the regulatory authority shall offer to review the results of the inspection with the person in charge or
2 employee, as applicable.

3 (b) The grading of lodging establishments shall be conducted using an inspection form furnished by the regulatory
4 authority. The form shall provide the following information:

5 (1) The name and mailing address of the lodging establishment;

6 (2) The name of the permit holder;

7 (3) The permit status and score given;

8 (4) Standards of construction and operation as listed in Rules 1821 through 1834 of this Section.

9 (5) An explanation for all points deducted;

10 (6) The signature of the regulatory authority; and

11 (7) The date.

12 (c) The grading of lodging establishments shall be based on the standards of operation and construction as set forth
13 in Rules .1821 through .1834 of this Section.

14 (d) The Inspection of Lodging Establishment form shall be used to document points assessed for violation of the rules
15 of this Section as follows:

16 (1) Violation of Rule .1822 of this Section related to person in charge present, certification by accredited
17 program or performs duties shall equal no more than 2 points.

18 (2) Violation of Rule .1822 of this Section related to management awareness, policy present, and allergy
19 awareness shall equal no more than 2 points.

20 (3) Violation of Rule .1822 of this Section related to proper use of reporting, restriction, and exclusion
21 shall equal no more than 2 points.

22 (4) Violation of Rule .1822 of this Section related to proper eating, tasting, drinking, or tobacco use
23 shall equal no more than 1 point.

24 (5) Violation of Rule .1822 of this Section related to personal cleanliness and hair restraints shall equal
25 no more than 1 point.

26 (6) Violation of Rule .1822 of this Section related to hands clean and washed shall equal no more than
27 4 points.

28 (7) Violation of Rule .1823 of this Section related to food obtained from approved source, good
29 condition, safe, and unadulterated shall equal no more than 3 points.

30 (8) Violation of Rule .1823 of this Section related to food separated, protected from contamination shall
31 equal no more than 3 points.

32 (9) Violation of Rule .1823 of this Section related to food protected from environmental or other sources
33 of contamination, including proper dispensing of ice, shall equal no more than 3 points.

34 (10) Violation of Rule .1823 of this Section related to cooking/reheating temperatures shall equal no
35 more than 3 points.

36 (11) Violation of Rule .1823 of this Section related to proper cooling and approved methods shall equal
37 no more than 3 points.

- 1 (12) Violation of Rule .1823 of this Section related to cold/hot holding temperatures shall equal no more
2 than 3 points.
- 3 (13) Violation of Rule .1823 of this Section related to date marking shall equal no more than 3 points.
- 4 (14) Violation of Rule .1824 of this Section related to equipment, food and nonfood-contact surfaces
5 approved, cleanable, properly designed, constructed and used shall equal no more than 1 point.
- 6 (15) Violation of Rule .1824 of this Section related to utensils, equipment properly stored, dried and
7 handled shall equal no more than 1 point.
- 8 (16) Violation of Rule .1824 of this Section related to warewashing facilities installed, maintained and
9 used shall equal no more than 2 points.
- 10 (17) Violation of Rule 1824 of this Section related to food-contact surfaces cleaned and sanitized where
11 required shall equal no more than 3 points.
- 12 (18) Violation of Rule .1824 of this Section related to nonfood-contact surfaces clean shall equal no more
13 than 1 point.
- 14 (19) Violation of Rule .1824 of this Section related to single-use articles properly stored and used shall
15 equal no more than 1 point.
- 16 (20) Violation of Rule 1824 of this Section related to temperature measuring devices provided shall equal
17 no more than 2 points.
- 18 (21) Violation of Rules .1825 and .1826 of this Section related to handwashing sinks supplied and
19 accessible shall equal no more than 2 points.
- 20 (22) Violation of Rule .1825 of this Section related to water from approved ~~source~~-source, backflow
21 prevention, plumbing in good repair shall equal no more than 4 points.
- 22 (23) Violation of Rule .1825 related to service sink or other approved method and mop storage shall
23 equal no more than 2 points.
- 24 (24) Violation of Rule .1825 of this Section related to sewage and waste water properly disposed shall
25 equal no more than 4 points.
- 26 (25) Violation of Rule .1826 of this Section related to ventilation and lighting requirements shall equal
27 no more than 2 points.
- 28 (26) Violation of Rule .1826 of this Section related to ~~window coverings~~ furnishings clean and in good
29 repair shall equal no more than ~~2~~ 4 p points.
- 30 (27) Violation of Rule .1826 of this Section related to physical facilities installed, maintained and clean
31 shall equal no more than ~~3~~ 4 points.
- 32 (28) Violation of Rule .1826 of this Section related to insects and rodents not present shall equal no more
33 than 4 points.
- 34 (29) Violation of Rule .1828 of this Section related to linens changed as required shall equal no more
35 than 3 points.
- 36 (30) Violation of Rule .1828 of this Section related to linen clean and in good repair shall equal no more
37 than ~~3~~ 4 points.

- 1 (31) Violation of Rule .1828 of this Section related to linen properly handled and stored shall equal no
2 more than 3 points.
- 3 (32) Violation of Rule .1828 of this Section related to housekeeping carts shall equal no more than ~~3~~ 4
4 points.
- 5 (33) Violation of Rule .1825 of this Section related to garbage and refuse properly disposed shall equal
6 no more than 2 points.
- 7 (34) Violation of Rule .1827 of this Section related to premises maintained to prevent breeding and
8 harborages shall equal no more than ~~2~~ 3 points.
- 9 (35) Violation of Rule .1827 of this Section related to storage areas maintained clean, provided for
10 maintenance equipment shall equal no more than 3 points.
- 11 (36) Violation of Rule .1827 of this Section related to approved pesticide use shall equal no more than ~~2~~
12 3 points.
- 13 (37) Violation of Rule .1827 of this Section related to household cleaning agents, sanitizers, and
14 medicines properly stored and handled shall equal no more than 3 points.
- 15 (38) Violation of Rule .1827 of this Section related to premises kept neat and clean shall equal no more
16 than 2 points.

17 (e) Upon request of the permit holder or his or her representative a reinspection shall be made. In the case of
18 establishments that request an inspection for the purpose of raising the alphabetical grade, and that hold unrevoked
19 permits, the regulatory authority shall make an unannounced inspection within 15 days from the date of the request.
20

21 *History Note: Authority G.S. 130A-248; G.S. 130A-249;*
22 15A NCAC 18A .1832 is proposed for adoptions as follows:

23
24 **15A NCAC 18A .1832 GRADING**

25 (a) The grading of lodging establishments shall be based on a system of scoring. A lodging establishment that earns
26 a score of at least:

- 27 (1) 90 percent shall receive a grade A;
28 (2) 80 percent and less than 90 percent shall receive a grade B;
29 (3) 70 percent and less than 80 percent shall receive a grade C.

30 Permits shall be immediately revoked in accordance with G.S. 130A-23(d) for lodging establishments receiving a
31 score of less than 70 percent.

32 (b) The posted grade card shall be black on a white background. All graphics, letters, and numbers for the grade card
33 shall be approved by the State. The alphabetical and numerical rating shall be 1.5 inches in height.
34

35 *History Note: Authority G.S. 130A-248; G.S. 130A-249;*
36

37 15A NCAC 18A .1833 is proposed for adoptions as follows:

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15A NCAC 18A .1833 APPLICATION AND PLAN REVIEW

(a) Plans drawn to scale for new lodging establishments shall be submitted for review and approval to the local health department prior to initiating construction, or prior to construction of additions or renovations, excluding cosmetic or nonstructural changes to existing lodging establishments.

(b) An applicant shall submit an application for a permit or transitional permit at least 30 days before the date planned for opening the lodging establishment. The applicant shall submit to the regulatory authority a written application for a permit on a form provided by the regulatory authority.

(c) The application form shall include:

- (1) The name, mailing address, telephone number, and signature of the person applying for the permit and the name, mailing address, and location of the lodging establishment;
- (2) Information specifying whether the lodging establishment is owned by an association, corporation, individual, partnership, or other legal entity;
- (3) The name, title, address, and telephone number of the person directly responsible for the lodging establishment;
- (4) A statement specifying the number of guest rooms or units and whether the lodging establishment is an operation that includes one or more of the following:
 - (A) Prepares, or serves potentially hazardous food (time/temperature control for safety food) for guests;
 - (B) Prepares only food that is not potentially hazardous (time/temperature control for safety food) for guests;
 - (C) Does not prepare, but serves only prepackaged food that is not potentially hazardous (time/temperature control for safety food) for guests;
- (5) Number and type of meals served, and the menu;
- (6) Source of water supply and wastewater disposal; and
- (7) A statement signed by the applicant that attests to the accuracy of the information provided in the application.

History Note: Authority G.S. 130A-248;

15A NCAC 18A .1834 is proposed for adoptions as follows:

15A NCAC 18A .1834 INFORMAL REVIEW PROCESS AND APPEALS PROCEDURE

(a) If a permit holder disagrees with a decision of the local health department on the interpretation, application, or enforcement of the rules of this Section the permit holder may:

- (1) Request an informal review pursuant to Paragraphs (d) and (e) of this Rule; or
- (2) Initiate a contested case in accordance with G.S. 150B.

1 (b) The permit holder is not required to complete the alternative dispute resolution prior to initiating a contested case
2 in accordance with G.S. 150B.

3 (c) When a petition for a contested case is filed, the informal review process shall terminate.

4 (d) If the permit holder requests an informal review, the request shall be in writing and shall be postmarked or hand
5 delivered to the local health department within seven days of notice of the decision giving rise to the review. The
6 request shall state the issues in dispute. If the inspection giving rise to the informal review was conducted by the
7 Environmental Health Supervisor in the county or area where the lodging establishment is located, or when the county
8 or area has only one Registered Environmental Health Specialist assigned to inspect lodging establishments, the
9 Environmental Health Regional Specialist assigned to that county or area shall conduct the local informal review. As
10 soon as possible, but no later than 30 days of receipt of the request, the person conducting the review shall:

11 (1) Contact the permit holder;

12 (2) Provide that permit holder an opportunity to be heard on the issues in dispute; and

13 (3) Issue a written decision addressing the issues raised in the appeal.

14 Copies of the decision shall be mailed by the local health department to the permit holder and to the State Health
15 Director. That decision shall be binding for the purposes of future inspections of the establishment in question unless
16 modified pursuant to Paragraph (e) of this Rule or by the State Health Director.

17 (e) Following receipt of the written decision of the Environmental Health Supervisor or his or her representative
18 issued pursuant to Paragraph (d) of this Rule, the permit holder who initiated the informal review may appeal the
19 resulting decision to an Informal Review Officer designated by the Department as responsible for final decisions on
20 appeals from throughout the State. Notice of the appeal shall be in writing, shall include a copy of the Environmental
21 Health Supervisor's or his or her representative's decision, and shall be postmarked or hand-delivered to the local
22 health department and to the Department within seven days of receipt of the written decision issued pursuant to
23 Paragraph ~~(a)~~ (d) of this Rule. Within 35 days of receipt of this appeal, the designated Informal Review Officer shall
24 hold a conference in Wake County. At least 10 days prior to the conference, the Informal Review Officer shall provide
25 notice of the time and place of this conference to the permit holder and the Environmental Health Supervisor for the
26 county or area where the issue arose. Within 10 days following the date of the conference, the Informal Review Officer
27 shall issue a written decision addressing the issues raised in the appeal and that decision shall be binding for purposes
28 of future inspections of the establishment in question unless modified pursuant to Paragraph (g) of this Rule or by the
29 State Health Director.

30 (f) If the decision on appeal at the local or State level results in a change in the score resulting from an inspection of
31 an establishment, the regulatory authority shall post a new grade card reflecting that new score.

32 (g) Appeals of the decision of the designated Informal Review Officer shall be in accordance with G.S. 150B.

33 (h) Nothing in this Rule shall impact the right of a permit holder to a reinspection pursuant to Rule .1831 of this
34 Section.

35
36 *History Note: Authority G.S. 130A-4; G.S. 130A-6; G.S. 130A-248;*