

1 15A NCAC 18A .2651 is proposed for amendment as follows:  
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3 **15A NCAC 18A .2651 DEFINITIONS**

4 The provisions of this Rule make amendments, additions, and deletions to the Food Code incorporated by reference  
5 in Rule .2650 of this Section. In Chapter 1, the following apply:

6 (1) In Paragraph 1-201.10(B), add: "'Commissary' means a food establishment that services a mobile  
7 food unit or a pushcart."

8 (2) In Paragraph 1-201.10(B), add: "'Congregate nutrition sites' means food establishments where food  
9 preparation is limited to same day service, reheating of ~~potentially hazardous food (time/temperature~~  
10 ~~control for safety food),~~ time/temperature control for safety food, and operated under the rules of  
11 the Division of Aging and Adult Services, N.C. Department of Health and Human Services."

12 (3) In Paragraph 1-201.10(B), add: "'Department' means the N.C. Department of Health and Human  
13 Services."

14 (4) In Paragraph 1-201.10(B), "Equipment (1)" to read: "means an article that is used in the operation  
15 of a food establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-  
16 in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, or  
17 warewashing machine."

18 ~~(4)~~(5) In Paragraph 1-201.10(B), amend "Food establishment (2)(b)" to read: "An operation that is  
19 conducted in a mobile, stationary, temporary, or permanent facility or location and where  
20 consumption is on or off the premises."

21 ~~(5)~~(6) In Paragraph 1-201.10(B), amend "Food establishment (3)" to read: "'Food establishment' does not  
22 include entities exempted as described in G.S. 130A-250 or establishments that only serve such  
23 items as dip ice cream, popcorn, candied apples, or cotton candy."

24 ~~(6)~~(7) In Paragraph 1-201.10(B), add: "'Food stand' means a food establishment that prepares or serves  
25 food and that ~~does not only provide~~ provides seating facilities ~~for customers to use while eating or~~  
26 ~~drinking,~~ as set forth in G.S. 130A-248(a6)."

27 ~~(7)~~(8) In Paragraph 1-201.10(B), add: "'Good repair' means equipment and utensils shall be maintained in  
28 a state of repair and condition that meets the requirements specified under Parts 4-1 and 4-2 of the  
29 Food Code as amended by Rule .2654."

30 ~~(8)~~(9) In Paragraph 1-201.10(B), amend "Imminent health hazard" ~~to~~ to read: "'Imminent health hazard'  
31 means an imminent hazard as defined in G.S. 130A-2(3)."

32 ~~(9)~~(10) In Paragraph 1-201.10(B), add: "'Limited food services establishment' means a food establishment  
33 as defined in G.S. 130A-247(7)."

34 ~~(10)~~(11) In Paragraph 1-201.10(B), add: "'Local health director' means a local health director as defined in  
35 G.S. 130A-2(6)."

36 ~~(11)~~(12) In Paragraph 1-201.10(B), amend "Meat" to read: "'Meat' means the flesh of animals used as food  
37 including the dressed flesh of cattle, swine, sheep, or goat, other edible animals, and as defined in

1 G.S. 106-549.15(14), except fish, poultry, and wild game animals as specified under Subparagraphs  
2 3-201.17(A)(3) and (4)."

3 ~~(12)~~(13) In Paragraph 1-201.10(B), add: "'Mobile food unit' means a food establishment ~~or pushcart~~ with no  
4 permanent utility connections, except for an onsite electrical connection, that is designed to be  
5 readily moved and vend food." food and that does not provide seating facilities for customers to use  
6 while eating or drinking."

7 ~~(13)~~(14) In Paragraph 1-201.10(B), amend "Person" ~~to~~ to read: "'Person' means person as defined in G.S.  
8 130A-2(7)."

9 ~~(14)~~(15) In Paragraph 1-201.10(B), amend "Poultry (1)" to read: "Any domesticated bird (chickens, turkeys,  
10 ducks, geese, guineas, ratites, or squabs), whether live or dead, as defined in 9 CFR 381.1 Poultry  
11 Products Inspection Regulations Definitions, Poultry, and G.S. 106-549.51(26); and"

12 ~~(15)~~(16) In Paragraph 1-201.10(B), add: "'Pushcart' means a mobile piece of equipment or vehicle used to  
13 vend food."

14 ~~(16)~~(17) In Paragraph 1-201.10(B), add: "'Registered Environmental Health Specialist' means a Registered  
15 Environmental Health Specialist as defined in G.S. 90A-51(2b) and 90A-51(4) and authorized agent  
16 of the Department."

17 ~~(17)~~(18) In Paragraph 1-201.10(B), ~~add:~~ amend "Regulatory Authority" to read: "'Regulatory Authority'  
18 means the Department or authorized agent of the Department."

19 ~~(18)~~(19) In Paragraph 1-201.10(B), add: "'Restaurant' means a food establishment that prepares or serves  
20 food and provides seating."

21 ~~(19)~~(20) In Paragraph 1-201.10(B), add: "'Supplemental cooking room' means a separate attached or  
22 detached structure in that food is cooked on grills, pits, or fireplaces and no other processing occurs."

23 ~~(20)~~(21) In Paragraph 1-201.10(B), amend "Temporary food establishment" ~~to~~ to read: "(1) 'Temporary  
24 'Temporary food establishment' means a food establishment that operates for a period of time not  
25 to exceed 21 days in one location, affiliated with and endorsed by a transitory fair, carnival, circus,  
26 festival, or public exhibition. Food establishments that operate in the same event location for more  
27 than 21 days per calendar year are not eligible for a temporary food establishment permit. Domestic  
28 yard sales and businesses such as auctions, flea markets, or farmers' markets are not eligible for a  
29 temporary food establishment permit." as defined in G.S. 130A-247(8).

30 (2) 'Temporary food establishment' does not include domestic yard sales and businesses such as  
31 auctions and flea markets."

32 ~~(21)~~(22) In Paragraph 1-201.10(B), add: "'Temporary food establishment commissary' means a food  
33 establishment affiliated with a temporary food establishment that prepares food in advance of ~~or off-~~  
34 ~~site-~~ off-site from the event. The temporary food establishment commissary permit shall be valid for  
35 no more than ~~21 consecutive days~~ the time period described in G.S. 130A-247(8) and shall be  
36 permitted no more than 7 days prior to commencement of the event. Food establishments that  
37 operate in the same location for more than ~~21 days~~ the time period described in G.S. 130A-247(8)

1 per calendar year are not eligible for a temporary food establishment commissary permit. Food shall  
2 not be sold directly from the temporary food establishment commissary. The temporary food  
3 establishment commissary shall comply with all temporary food establishment requirements."

4 ~~(22)~~(23) In Paragraph 1-201.10(B), add: "'Transitional Permit' means ~~a permit issued by the regulatory~~  
5 ~~authority upon the transfer of ownership or lease of an existing food establishment to allow the~~  
6 ~~correction of construction and equipment problems that do not represent an immediate threat to~~  
7 ~~public health, as defined at G.S. 130A-248(c).~~ The transitional permit shall expire 180 days after  
8 the date of issuance."

9 ~~(23)~~(24) In Paragraph 1-201.10(B), delete the definition of "Vending machine."

10 ~~(24)~~(25) In Paragraph 1-201.10(B), delete the definition of "Vending machine location."

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12 *History Note: Authority G.S. 130A-248; S.L. ~~2011-394, Section 15(a); 2019-129;~~*

13 *Eff. September 1, 2012;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20,*  
15 *2019.*