

- (47) Violation of Rules .2632, and .2633 of this Section related to storage space clean, storage above floor, and approved storage for brooms, mops, hoses, and other items shall equal no more than 1 percent.
- (48) Violation of Rule .2633 of this Section related to doors self-closing where required; and all windows screened shall equal no more than 1 percent.

One half of the percent value may be assessed for any rule violation in this Section based on the severity or recurring nature of the violation.

(b) The grading of restaurants, food stands, drink stands and meat markets shall be based on the standards of operation and construction as set forth in Rules .2607 through .2644 of this Section. An establishment shall receive a credit of two points on its score for each inspection if a manager or other employee responsible for operation of that establishment and who is employed full time in that particular establishment has successfully completed in the past three years a food service sanitation program approved by the Department. Request for approval of food service sanitation programs shall be submitted in writing to the Division of Environmental Health. The course shall include a minimum of 12 contact hours and provide instruction in the following subject areas:

- (1) basic food safety;
- (2) requirements for food handling personnel;
- (3) basic HACCP;
- (4) purchasing and receiving food;
- (5) food storage;
- (6) food preparation and service;
- (7) facilities and equipment;
- (8) cleaning and sanitizing;
- (9) pest management program; and
- (10) regulatory agencies and inspections.

Evidence that a person has completed such a program shall be maintained at the establishment and provided to the Environmental Health Specialist upon request. An establishment shall score at least 70 percent on an inspection in order to be eligible for this credit.

(c) The posted numerical grade shall not be changed as a result of a food sampling inspection.

(d) The posted grade card shall be black on a white background. All graphics, letters, and numbers for the grade card shall be approved by the State. The alphabetical and numerical sanitation score shall be 1.5 inches in height. No other public displays representing sanitation level of the establishment may be posted by the local health department, except for sanitation awards issued by the local health department. Sanitation awards shall be in a different color and size from the grade card and must be clearly labeled as an award.

(e) Nothing herein shall affect the right of a permit holder to a reinspection pursuant to Rule .2604 of this Section.

(f) Nothing herein shall prohibit the Department from immediately suspending or revoking a permit pursuant to G.S. 130A-23(d).

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

*Eff. May 5, 1980;*

*Amended Eff. July 1, 2008; January 1, 2006; April 1, 2005; October 1, 2004; August 1, 2004; August 1, 1998; July 1, 1993; March 1, 1988.*

### **15A NCAC 18A .2607 STANDARDS AND APPROVAL OF PLANS**

(a) Plans, drawn to scale, and specifications, including the proposed menu, for new food service establishments shall be submitted for review and approval to the local health agency prior to initiating construction. Plans, drawn to scale, and specifications including the proposed menu shall also be submitted prior to construction of changes in the dimensions of food preparation areas, seating capacity or the addition of rooms to existing food service establishments. These plans shall include changes related to the increase in dimensions of food preparation areas, seating capacity or the addition of rooms.

(b) Plans, drawn to scale and specifications including the proposed menu, for prototype "franchised" or "chain" facilities shall be submitted for review and approval to the Environmental Health Services Section, Division of Environmental Health. Plans for "franchised" or "chain" facilities which are certified by an architect to be the same or substantially similar to the prototype facility and "franchised" or "chain" facilities which are not prototypes shall be submitted only to the local health agency as required in Paragraph (a) of this Rule. At the time of submission to the local health agency, an architect shall set forth in writing how these plans differ from the prototype plans

approved by the Division. Copies of this letter shall be submitted to the Environmental Health Services Section and the local health agency.

(c) Construction shall comply with approved plans and specifications.

*History Note:* Authority G.S. 130A-248;  
Eff. May 5, 1980;  
Amended Eff. August 1, 1998; July 1, 1993; July 1, 1992; May 1, 1991; July 1, 1984.

#### **15A NCAC 18A .2608 SOURCES OF FOOD**

All food shall be obtained from sources that comply with all laws relating to food and food labeling and shall be identified. All meat, meat food products, poultry and poultry products shall have been inspected for wholesomeness, where required, under an official federal, state, or local regulatory program; and, in all cases, the source shall be identifiable from labeling on carcasses, cuts, unit packages, bulk packages, or from bills of sale. Food in hermetically sealed containers shall have been processed in a commercial food processing establishment operated in compliance with G.S. 106-120 through 106-145. Copies of G.S. 106-120 through 106-145 may be obtained from the Food and Drug Protection Division, North Carolina Department of Agriculture. All food shall be clean, wholesome, free from adulteration and spoilage, safe for human consumption, and shall be handled, served, or transported in such a manner as to prevent contamination, adulteration, and spoilage. Approved containers and utensils shall be used. Foods that are spoiled or otherwise unfit for human consumption shall be immediately disposed of as garbage or returned to the source except as specified in Rule .2641 of this Section. Foods to be returned to the source shall be marked as such and stored in a fashion so as not to contaminate other food.

*History Note:* Authority G.S. 130A-248;  
Eff. May 5, 1980;  
Amended Eff. October 1, 2004; August 1, 1998; May 1, 1991; July 1, 1984.

#### **15A NCAC 18A .2609 REFRIGERATION: THAWING: AND PREPARATION OF FOOD**

(a) All potentially hazardous foods, in a food service establishment, requiring refrigeration shall be kept at or below 45° F (7° C), except when being prepared or served. An air temperature thermometer accurate to 3° F (1.5°C) shall be provided in all refrigerators.

(b) Refrigeration and freezer capacity shall be sufficient to maintain required temperatures on all potentially hazardous foods.

(c) Potentially hazardous foods shall be thawed:

- (1) in refrigerated units at a temperature not to exceed 45° F (7° C);
- (2) under potable running water of a temperature of 70° F (21° C), or below, with sufficient water velocity to agitate and float off loose food particles into the overflow;
- (3) as a part of the conventional cooking process; or
- (4) in a microwave oven only when the food will be immediately transferred to conventional cooking equipment as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven.

(d) Employees preparing food shall have used antibacterial soap, dips or hand sanitizers immediately prior to food preparation or shall use clean, plastic disposable gloves or sanitized utensils during food preparation. This requirement is in addition to all other handwashing requirements in this Section. Food shall be prepared with the least possible manual contact, with utensils and on preparation surfaces that have been cleaned and rinsed prior to use. Preparation surfaces which come in contact with potentially hazardous foods shall be sanitized as provided in Rule .2618(c) of this Section. Raw fruits and raw vegetables shall be washed with potable water to remove soil and other contaminants before being cooked or served.

(e) Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140° F (60° C) except as follows:

- (1) poultry, poultry stuffings, stuffed meats, and stuffings containing meat shall be cooked to heat all parts of the food to at least 165° F (74°C) with no interruption of the cooking process,
- (2) pork and any food containing pork shall be cooked to heat all parts of the food to at least 150° F (66° C),
- (3) ground beef and foods containing ground beef shall be cooked to an internal temperature of at least 155° F (68° C),

- (4) roast beef shall be cooked to an internal temperature of at least 130° F (54° C), and
  - (5) beef steak shall be cooked to a temperature of 130° F (54° C) unless otherwise ordered by the immediate consumer.
- (f) Liquid eggs, or uncooked frozen eggs, dry eggs and egg products shall be used only for cooking and baking purposes. This Paragraph does not apply to pasteurized products.
- (g) Potentially hazardous foods that have been cooked and then refrigerated shall be reheated to 165° F (74° C) or higher throughout before being served or before being placed in a hot food storage facility except that, food in intact packages from processing plants that are regulated by the food regulatory agency that has jurisdiction over the plants may initially be reheated to 135° F (57° C). Reheating time shall not exceed two hours.
- (h) All potentially hazardous foods shall be stored at temperatures of 135° F (57° C) or above; or 45° F (7° C) or below except during necessary periods of preparation and serving. However, roast beef, as described in Subparagraph (e)(4) of this Rule shall be stored at a temperature of at least 130° F (54° C) or above; or 45° F (7° C) or below.
- (i) Time only, rather than the temperature requirements set forth in Paragraph (h) of this Rule may be used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption if:
- (1) the food is marked or otherwise identified to indicate the time that is four hours past the point in time when the food is removed from temperature control;
  - (2) the food is cooked and served, served if ready-to-eat, or discarded, within four hours from the point in time when the food is removed from required temperature control;
  - (3) food in unmarked containers or packages or marked to exceed the four hour limit in Subparagraph (1) of this Paragraph, is discarded; and
  - (4) written procedures approved by the Department, as being in accordance with the rules of this Section, are maintained in the establishment for the handling of food from the time of completion of the cooking process or when the food is otherwise removed from required temperature control.
- These procedures shall be made available to the Department upon request.
- (j) Time only, rather than temperature requirements as set forth in Paragraph (h) of this Rule may be used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for customer take-out, if:
- (1) the food is marked or otherwise identified to indicate the time that is two hours past the point in time when the food is removed from temperature control;
  - (2) the food is cooked and served, served if ready-to-eat, or discarded, within two hours from the point in time when the food is removed from required temperature control;
  - (3) food in unmarked containers or packages or marked to exceed the two hour limit in Subparagraph (1) of this Paragraph, is discarded; and
  - (4) written procedures approved by the Department, as being in accordance with the Rules of this Section, are maintained in the establishment for the handling of food from the time of completion of the cooking process or when the food was otherwise removed from required temperature control.
- These procedures shall be made available to the Department upon request.
- (k) An establishment wishing to move foods controlled under Paragraphs (i) and (j) of this Rule for immediate consumption on the premises, shall have their written procedures for the handling of the food from the time of completion of the cooking process or when the food was otherwise removed from required temperature control, approved by the Department, as being in accordance with the rules of this Section, and shall maintain those approved procedures in the establishment.
- (l) In a food establishment that serves a highly susceptible population, time only, rather than temperature, may not be used as the public health control for raw eggs.
- (m) All potentially hazardous food that is transported must be maintained at temperatures as noted in Paragraph (h) of this Rule.
- (n) A metal stem-type thermometer accurate to 2° F (1° C) shall be available to check food temperatures.
- (o) Cooked potentially hazardous food shall be cooled:
- (1) from 135°F (57°C) to 70°F (21°C) within two hours; and
  - (2) from 135°F (57°C) to 45°F (7°C) or less within a total of six hours.
- (p) Potentially hazardous food shall be cooled to 45°F (7°C) or less within four hours, if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

these Rules, toasters, mixers, microwave ovens, water heaters and hoods shall not be considered to be equipment and shall not be required to meet ANSI sanitation standards.

(e) Beverage dispensers installed or replaced after August 1, 1998 shall be designed to avoid activation by the lip of a cup or glass when these dispensers are used to refill customer cups or glasses.

*History Note: Authority G.S. 130A-248;  
Eff. May 5, 1980;  
Amended Eff. April 1, 2005; October 1, 2004; August 1, 1998; May 1, 1991.*

#### **15A NCAC 18A .2618 CLEANING OF EQUIPMENT AND UTENSILS**

(a) All equipment and fixtures shall be kept clean. All cloths used by chefs and other employees in the kitchen shall be clean.

(b) Single-use articles such as formed buckets, bread wrappers, aluminum pie plates and No. 10 cans shall be used only once except that containers made of plastic, glass or other food grade material having smooth sides and of a construction so as to be easily cleaned may be reused.

(c) All multi-use eating and drinking utensils shall be washed, rinsed, and subjected to a bactericidal treatment specified in Rule .2619 of this Section after each usage. The supply of eating and drinking utensils shall be of sufficient quantity to allow washing, rinsing, sanitizing and air-drying before re-use. All multi-use utensils except pizza pans and similar type pans (not used for table service) used in the storage, preparation, cooking, or serving of food or drink shall be cleaned and rinsed immediately after the days' operations, after each use, or upon completion of each meal as indicated. Pizza pans and similar type pans (not used for table service) which are continually subjected to high temperatures do not require cleaning after each use or day's use but shall be kept clean and maintained in good repair.

(d) In addition to washing and rinsing multi-use utensils as indicated in Paragraph (c) of this Rule, preparation surfaces which come in contact with potentially hazardous foods and are not subjected to heat during routine cooking operations shall be sanitized. Utensils and equipment that have been used for the preparation of raw meat or raw poultry shall not be used for the preparation of cooked meat, cooked poultry, or other ready-to-eat products unless such utensils and equipment have been cleaned and sanitized. Examples of food contact surfaces which must be sanitized are utensils used in preparing cold salads and cold beverages, cutting boards, table tops, knives, saws, and slicers. For utensils and equipment which are either too large or impractical to sanitize in a dishwashing machine or dishwashing sink, and for those establishments which do not have dishwashing equipment, a spray-on or wipe-on sanitizer may be used. When spray-on or wipe-on sanitizers are used, the chemical strengths shall be those required in Rule .2619 of this Section for sanitizing multi-use eating and drinking utensils.

(e) Hand dishwashing facilities shall consist of an approved three-compartment sink of sufficient size and depth to submerge, wash, rinse and sanitize utensils and shall have splash back protection and drainboards that are an integral part of and continuous with the sink. These drainboards shall be of a sufficient size to accommodate the drainage of liquids of the washed utensils after being sanitized. Air drying of utensils may be accomplished with the use of a drainboard, overhead or wall mounted shelves, or with the use of stationary or portable racks or by cross-stacking.

(f) Where the Department determines that the volume of dishes, glasses and utensils to be washed cannot be processed in a single warewashing facility, separate dish, glass or utensil washing facilities shall be required. Separate vegetable washing facilities shall be provided in establishments which wash raw vegetables except where plan review shows that volume and preparation frequency do not require separate vegetable washing facilities or where vegetables are purchased prewashed and packaged. Establishments which scale, eviscerate, thaw, or wash fish, raw poultry, or other food shall provide separate sinks with preparation space for these processes except where plan review shows that volume and preparation frequency do not require separate washing facilities.

(g) When warewashing machines are used, the machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions. Machines shall be fitted with drainboards on each side, and include a countersunk sink or other approved means for pre-cleaning, pre-flushing, or pre-soaking of the utensils in the dirty dish lane. Thermometers indicating the wash and rinse water temperatures shall be provided and kept in good repair.

(h) When warewashing machines are used, the machines shall be approved as sufficient for size, capacity, and type for the number of utensils to be washed. Glasses may be washed with power-driven brushes and passed through door-type machines, which are also used for dishwashing, for final rinse and bactericidal treatment. For this method, a motor-driven glass-washer and a single-vat sink shall suffice.

(i) Warewashing machines shall render equipment clean to sight and touch and provide bactericidal treatment in accordance with Rule .2619 of this Section.

**15A NCAC 18A .2633 PREMISES: MISCELLANEOUS: VERMIN CONTROL**

- (a) None of the operations in a food service establishment shall be conducted in any room used for domestic purposes. A domestic kitchen shall not be used in connection with the operation of a food service establishment.
- (b) When a meat market is located in the same room with a grocery store or other establishment, the area in which the meat, meat food products, poultry, or poultry products are stored, handled, and displayed shall be kept free from other merchandise, and the grocery store or other establishment shall be kept clean and free of vermin.
- (c) Soiled linens, coats, and aprons shall be kept in containers provided for this purpose. Laundered table linen and cleaning cloths shall be stored in a clean place until used.
- (d) Toxic materials, cleaners, sanitizers, or similar products used in a food service establishment shall be labeled with the common name or manufacturer's label.
- (e) An area for storage of toxic materials shall be provided and marked as toxic materials. This requirement does not apply to cleaners and sanitizers used frequently in the operation of the food service establishment that are stored for availability and convenience if the materials are stored to prevent the contamination of food, equipment, utensils, linens and single-service items.
- (f) Storage shall be provided for mops, brushes, brooms, hoses, and other items in routine use.
- (g) Effective measures such as fly repellent fans, self-closing doors, screens, and routine use of pesticides identified in Paragraph (i) of this Rule shall be taken to keep insects, rodents, animals and other public health pests out of the establishment and to prevent their breeding or presence on the premises.
- (h) Except as specified below, live animals are not allowed on the premises of a food service establishment. Live animals are allowed in the following situations if the owner or operator does not permit animals to physically contact food, serving dishes, utensils, tableware, linens, unwrapped single-service and single-use articles or other food service items that may result in contamination of food or food contact surfaces and does not permit animals to physically contact employees engaged in the preparation or handling of food:
- (1) fish or crustacea in aquariums or display tanks;
  - (2) patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas; and sentry dogs in outside fenced areas;
  - (3) service animals accompanying persons with disabilities in areas that are not used for food preparation; and
  - (4) dogs (*Canis lupus familiaris*) and cats (*Felis catus*) in outdoor dining areas; provided that dogs and cats are physically restrained, and do not pass through any indoor areas of the food service establishment.

Except for service animals described in Subparagraph (3) of this Paragraph, nothing in this Rule prohibits a food service establishment from prohibiting dogs and cats in outdoor dining areas.

(i) Only those pesticides that have been registered with the U.S. Environmental Protection Agency and with the North Carolina Department of Agriculture and Consumer Services shall be used. These pesticides shall be used as directed on the label and shall be handled to avoid health hazards.

*History Note: Authority G.S. 130A-248;  
Eff. May 5, 1980;  
Amended Eff. September 1, 2010; October 1, 2004; August 1, 1998; May 1, 1991.*

**15A NCAC 18A .2634 REQUIREMENTS FOR FOOD STANDS**

Food stands shall comply with all the requirements of this Section, with the following exceptions:

- (1) In Rule .2624 of this Section, only toilets for employees shall be required. These shall be convenient and shall comply in every way with the standards for restaurant toilets.
- (2) In Rule .2625 of this Section, only handwashing facilities for employees shall be required. In addition, for food stands in which the customer serves himself, a lavatory shall be provided for customers. These shall be convenient and comply with restaurant standards insofar as the rule is concerned.
- (3) In order to qualify for a permit, or when a facility is renovated, warewashing facilities shall comply with Rule .2618 of this Section.
- (4) The requirements in Rule .2629 of this Section shall not apply to a foodstand within a mall, grocery store, or other multi-purpose building providing protection from flies, dust, vermin or other sources of contamination.

*History Note:* Authority G.S. 130A-248;  
Eff. May 5, 1980;  
Amended Eff. May 1, 1991; July 1, 1984.

### **15A NCAC 18A .2635 REQUIREMENTS FOR TEMPORARY FOOD ESTABLISHMENTS**

The following requirements shall be satisfied in order for temporary food establishments to qualify for a permit under Rule .2602 of this Section:

- (1) Temporary food establishments shall be located in clean surroundings and kept in a clean and sanitary condition. They shall be so constructed and arranged that food, utensils, and equipment will not be exposed to insects, dust, and other contamination. Protection against flies and other insects shall be provided by screening or by effective use of fans.
- (2) Where food or griddles are exposed to the public or to dust or insects, they shall be protected by glass, or otherwise, on the front, top, and ends, and exposed only as much as may be necessary to permit handling and serving of the food.
- (3) All griddles, warmers, spatulas, refrigerators, and other utensils and equipment shall be cleaned routinely and maintained in a sanitary manner.
- (4) Running water under pressure shall be provided. The water supply shall be approved and of a safe, sanitary quality. Provisions shall be made for heating water for the washing of utensils and equipment. At least a single vat sink, large enough in which to wash cooking utensils, pots, and pans, must be provided. At least one drainboard or counter top space must be provided.
- (5) Facilities shall be provided for employees' handwashing. These may consist of a pan, soap, and single-use towels.
- (6) Convenient and approved toilet facilities shall be provided for use by employees. Public toilet facilities provided on the grounds are acceptable if reasonably convenient, adequate, and kept clean. Sewage shall be disposed of in an approved manner.
- (7) Potentially hazardous foods shall be refrigerated in accordance with Rule .2609 of this Section. All food shall be stored, handled, and displayed in accordance with Rule .2610(a) through (d) of this Section. Food service equipment shall be stored in accordance with Rule .2620 of this Section.
- (8) Garbage and refuse shall be collected and stored in standard water-tight garbage cans provided with tightfitting lids or other approved containers or methods. Garbage and refuse shall be removed at least daily and disposed of in a sanitary manner. Waste water shall be so disposed of as not to create a nuisance. Each operator shall keep his immediate premises clean.
- (9) All food served shall be clean, wholesome, and free from adulteration. Potentially hazardous foods such as cream-filled pastries and pies, and salads such as potato, chicken, ham, crab, etc., shall not be served in a temporary food establishment. Hamburgers shall be obtained from an approved market or plant in patties separated by clean paper, or other wrapping material, and ready to cook. Wrapped sandwiches shall be obtained from an approved source. Poultry shall be prepared for cooking in an approved market or plant. Drinks served shall be limited to packaged, canned, or bottled drinks, packaged milk, coffee, or carbonated beverages from approved dispensing devices.
- (10) Food prepared by local groups shall be prepared in an approved kitchen, and such groups shall maintain a record of the type and origin of such foods. These foods shall be prepared, transported, and stored in a sanitary manner protected from contamination and spoilage.
- (11) No person who has a communicable or infectious disease that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or an acute respiratory infection with cough and nasal discharge, shall work in a temporary food establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces, with disease-causing organisms or transmitting the illness to other persons.

*History Note:* Authority G.S. 130A-248;  
Eff. May 5, 1980;  
Amended Eff. January 1, 1996; May 1, 1991; July 1, 1984.

### **15A NCAC 18A .2636 REQUIREMENTS FOR TEMPORARY RESTAURANTS**