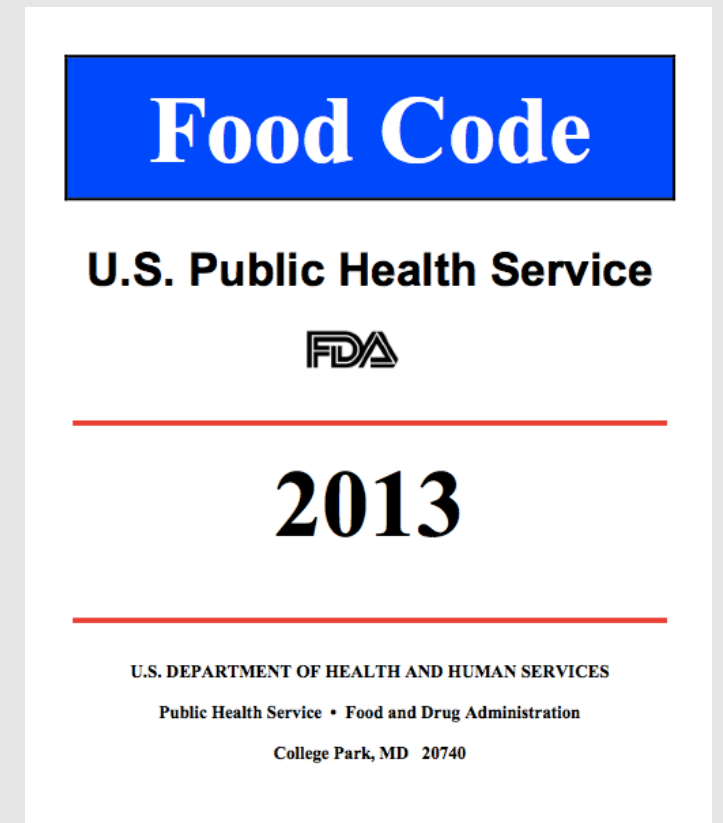
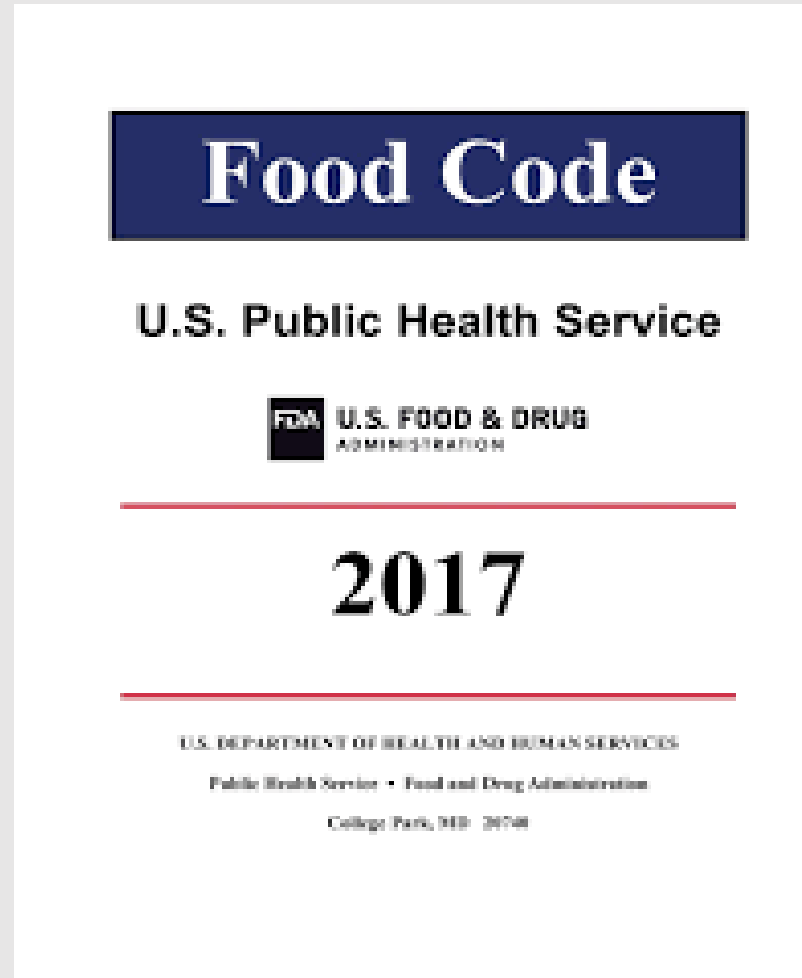
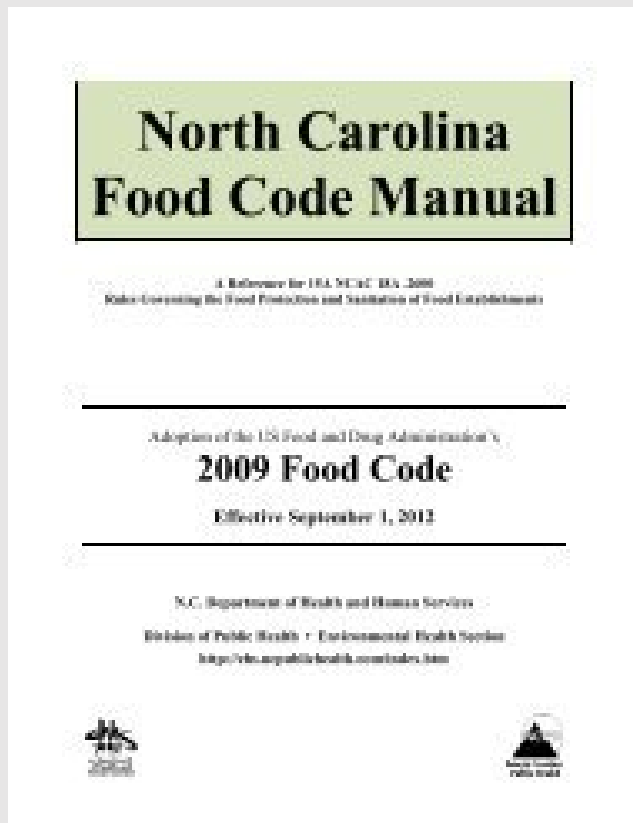
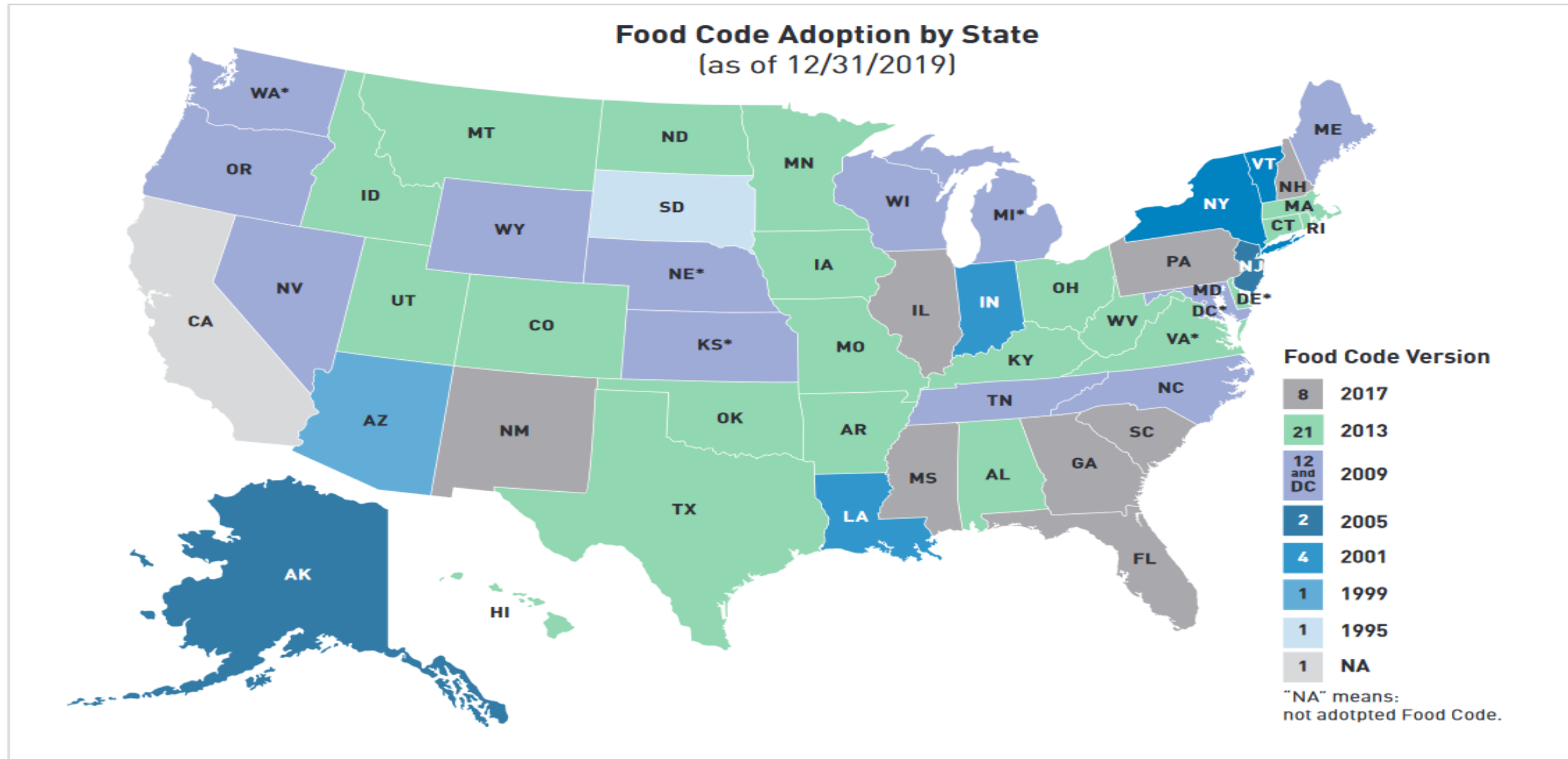


# 2017 Food Code Adoption Process / .2600 Rules Revisions



# Summary of Status on State Adoption of the FDA Food Code

Figure 2 reflects the most recent Food Code version that was adopted in each State regulatory agency. Each State has at least one agency that has adopted the FDA Food Code, with California the only exception.



# .2600 Rules Re-Write Committee

- Worked on language for .2650 - .2658, and .2674
- Led by Josh Jordan, NC DHHS

## Committee Members:

- Alyssa Barkley, NC Restaurant & Lodging Association
- Lindsey Kueffner, NC Retail Merchants Association
- Shane Smith, NC DHHS
- Terri Ritter, NC DHHS
- Michael Roberson, NC DHHS
- Jennifer Moore, NC DHHS
- Scott Foster, Henderson County
- Scott Steed, Durham County
- Bibbi Contii, Craven County
- Lauren Coles, Mecklenburg County

# .2661 Subcommittee

- Worked on .2661 – Grading
- Led by Greg Gartner, NC DHHS

## Subcommittee Members:

- Teresa Clark , NC DHHS
- Felissa Vazquez, Buncombe County
- Ginger Johnson, Wake County

# Food Code Adoption vs. Rule Re-adoption

- As mentioned earlier, H735 allowed us to write rules to adopt the 2017 FDA Food Code
- These rules include .2650 - .2658, and indirectly .2661 (for updated FDA inspection report – 56 items now)
- In addition, .2650, .2670, and .2674 received public comment during the periodic review in 2019.
- Since these rules were considered “Necessary with substantive public interest”, they were required to be re-adopted

# Rule Re-adoption

- .2670 – MFUs
  - Comment was made concerning LP gas inspections
    - Determined we have no authority to require something that is the responsibility of another agency
  - Did not make major changes in order to expedite rulemaking process for 2017 Food Code adoption
    - Did not want to take a chance on losing the rule
- Separate subcommittee to propose new language for .2600 rules not addressed through this process.

# Rule Re-adoption

- .2674 – Limited Food Services Establishments
  - Comment was made to address LFSE at lodging.
    - ~~In response, .2671 (5) was changed to “Except as set forth in Paragraph (6) of this Rule, all meats, poultry, and fish shall be purchased in a pre-portioned and ready-to-cook form.”~~
    - ~~.2671 (6) was changed to: “Limited food services establishments that are located in lodging facilities are limited to reheating foods that have been pre-cooked in accordance with G.S. 130A-247(7).”~~
    - RRC deemed the statute language was sufficient.
  - Additionally, expirations of permits were changed from December 31 of each year to “one (1) year from the date of issuance.”

# 2017 Food Code Adoption

**RULES GOVERNING  
THE FOOD PROTECTION AND  
SANITATION OF  
FOOD ESTABLISHMENTS**

15A NCAC 18A .2600

**NORTH CAROLINA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
ENVIRONMENTAL HEALTH SECTION**

**EFFECTIVE SEPTEMBER 1, 2012**

All Environmental Health Rules can be accessed at the following website  
<http://ehs.ncpublichealth.com/rules.htm>

North Carolina General Statutes can be accessed at the following website  
[www.ncleg.net/gascritps/statutes/statutestoc.pl](http://www.ncleg.net/gascritps/statutes/statutestoc.pl)



# .2650 – Adoption by Reference

- 2017 FDA Food Code and 2017 Food Code Supplement incorporated by reference

# .2651 – Definitions



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# Food Stand

- "'Food stand' means a food establishment that prepares or serves food and that ~~does not~~ may only provide seating facilities ~~for customers to use while eating or drinking.~~" as set forth in G.S. 130A-248(a6)."
- Addresses general statute change to allow no more than 8 seats



# Mobile Food Unit

- "'Mobile food unit' means a food establishment ~~or pushcart~~ with no permanent utility connections, except for an onsite electrical connection, that is designed to be readily moved and vend food." food and that does not provide seating facilities for customers to use while eating or drinking."



# TFE / TFE Commissary

- “(1) ~~“Temporary ‘Temporary food establishment’ means a food establishment that operates for a period of time not to exceed 21 days in one location, affiliated with and endorsed by a transitory fair, carnival, circus, festival, or public exhibition. Food establishments that operate in the same event location for more than 21 days per calendar year are not eligible for a temporary food establishment permit. Domestic yard sales and businesses such as auctions, flea markets, or farmers’ markets are not eligible for a temporary food establishment permit.”~~ as defined in G.S. 130A-247(8).
- “(2) ‘Temporary food establishment’ does not include domestic yard sales and businesses such as auctions and flea markets.”

# .2652 – Management and Personnel

- 2-101.11 (C) was deleted.

*(C) “This section does not apply to certain types of FOOD ESTABLISHMENTS deemed by the REGULATORY AUTHORITY to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of the FOOD preparation.” Pf*

# 2-102.11(A) – Demonstration of Knowledge

- Kept FC language to provide 3 options for demonstration of knowledge since CFPM is a separate requirement and item on the inspection report
- Clarifying word “or” added between (A) and (B) to show these are 3 separate ways to comply with the citation



# 2-102.12 Certified Food Protection Manager

- (A) The PERSON IN CHARGE shall be a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM





# .2653 – Food

- All references to 45°F in .2653 were removed
- Language from 2009 Supplement removed since it is now in the Food Code

# 3-201.11 (A) Compliance with Food Law

In Paragraph 3-201.11(A), add at the end: "Food from food establishments in states adjacent to North Carolina may be sold within North Carolina if the food establishments are under jurisdiction of the local or state enforcement body in that originating state and approved by the regulatory authority in North ~~Carolina~~. Carolina in accordance with G.S. 130A-248(b). To determine the extent of compliance with this Code, the regulatory authority shall obtain reports regarding compliance and compliance history from responsible authorities in other jurisdictions where the food establishments are located."

# .2654 – Equipment, Utensils, and Linens

- Only 1 proposed amendment to address law change
- (4) In Section 4-502.14, amend to read: “Except as permitted under G.S. 130A-248(c3), mollusk and crustacea shells may not be used more than once as serving containers.”

# .2655 – Water, Plumbing and Waste

- 5-202.12 (A) “A HANDWASHING SINK shall be equipped to provide water at a temperature of at least 38°C (100°F) through a mixing valve or combination faucet.” Pf
- Water temperature requirement 100°F
- Changed the risk designation from Pf to Core

# **.2656 – Physical Facilities**

# **.2657 – Poisonous or Toxic Materials**

- No proposed changes – keeping all current NC language

# .2658 – Compliance and Enforcement

- 8-302.14 (A) “The name, mailing address, telephone number, and signature of the person applying for the permit and the name, mailing address, and location of the food establishment;”
- Removed “birthdate” from list of items required on application

# 8-304.11 (A) & (K)

- Kept deletion of (A) which required the permit to be posted; and
- Deleted (K) which required the permit holder to notify the customers “that a copy of the most recent establishment inspection report is available upon request by posting a sign or placard in a location in the food establishment that is conspicuous to customers or by another method acceptable to the REGULATORY AUTHORITY.”

# .2661 – Grading

- New inspection report to have 56 items instead of 54 (2 new paragraphs added)
- (2) – separation of CFPM requirement from #1
- (5) addition of vomiting and diarrheal plan

Food Establishment Inspection Report										
As Governed by State Code Section XXX.XXX					No. of Risk Factor/Intervention Violations					
Do Good County					No. of Repeat Risk Factor/Intervention Violations					
12344 Any Street, Our Town, State 11111					Score (%)					
Establishment			Address			City/State				
License/Permit #			Permit Holder			Purpose of Inspection				
FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS										
Circle designated compliance status (IN, OUT, N/O, N/A) for each numbered item										
IN=in compliance    OUT=not in compliance    N/O=not observed    N/A=not applicable    COS=corrected on-site										
Compliance Status		COS		R		Compliance Status				
Supervision										
1	IN OUT	Person in charge present, demonstrates knowledge, and performs duties					17	IN OUT	Proper disposition of food	
2	IN OUT N/A	Certified Food Protection Manager					Time/Temperature Control			
Employee Health										
3	IN OUT	Management, food employee and conditional employee; knowledge, responsibilities and reporting					18	IN OUT N/A N/O	Proper cooking time	
4	IN OUT	Proper use of restriction and exclusion					19	IN OUT N/A N/O	Proper reheating	
5	IN OUT	Procedures for responding to vomiting and diarrheal events					20	IN OUT N/A N/O	Proper cooling time	
Good Hygienic Practices										
6	IN OUT	N/O	Proper eating, tasting, drinking, or tobacco use					21	IN OUT N/A N/O	Proper hot holding
7	IN OUT	N/O	No discharge from eyes, nose, and mouth					22	IN OUT N/A N/O	Proper cold holding
Preventing Contamination by Hands										
8	IN OUT	N/O	Hands clean & properly washed					23	IN OUT N/A N/O	Proper date marking
9	IN OUT	N/A N/O	No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed					24	IN OUT N/A N/O	Time as a Public Health
10	IN OUT		Adequate handwashing sinks properly supplied and accessible					Consumer Advisory		
Approved Source										
								25	IN OUT N/A	Consumer advisory
Highly Susceptible										
								26	IN OUT N/A	Pasteurized foods
Food/Color Additive										
								27	IN OUT N/A	Food additives: a
								28	IN OUT N/A	Toxic substances
Conformance with										



# .2661 – Grading

- Re-ordering of paragraphs and minor changes in points for (1), (2), (3), (5), (6), (9), (24), (32), (47), (50).
- Paragraph (f) – removed 10-day requirement due to change in 8-405.11.
- Paragraph (h) – clarification of “calendar” for # of days to complete reinspection

# Questions or Comments?

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