15A NCAC 18A .2651 is proposed for amendment as follows:

15A NCAC 18A .2651  DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

(11)(12) In Paragraph 1-201.10(B), amend "Meat" to read: "'Meat' means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goat, other edible animals, and as defined in..."
G.S. 106-549.15(14), except fish, poultry, and wild game animals as specified under Subparagraphs 3-201.17(A)(3) and (4)."

(13) In Paragraph 1-201.10(B), add: "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."

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

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

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

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

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

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

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

(21) In Paragraph 1-201.10(B), amend "Temporary food establishment" to read: "(1) "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."

(22) In Paragraph 1-201.10(B), add: "Temporary food establishment commissary' means a food establishment affiliated with a temporary food establishment that prepares food in advance of or off-site, off-site from the event. The temporary food establishment commissary permit shall be valid for no more than 21 consecutive days the time period described in G.S. 130A-247(8) and shall be permitted no more than 7 days prior to commencement of the event. Food establishments that operate in the same location for more than 21 days the time period described in G.S. 130A-247(8)
per calendar year are not eligible for a temporary food establishment commissary permit. Food shall
not be sold directly from the temporary food establishment commissary. The temporary food
establishment commissary shall comply with all temporary food establishment requirements."

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

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

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

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); 2019-129;
Eff. September 1, 2012;

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