

1 15A NCAC 18A .2653 is proposed for amendment as follows:

2
3 **15A NCAC 18A .2653 FOOD**

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 3, the following apply:

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

13 ~~(2) In Paragraph 3-301.11(B), amend to read: "Except when washing fruits and vegetables as specified~~
14 ~~under Section 3-302.15 or as specified in Paragraphs (D) and (E) of this section, food employees~~
15 ~~may not contact exposed ready to eat food with their bare hands and shall use suitable utensils such~~
16 ~~as deli tissue, spatulas, tongs, single use gloves, or dispensing equipment."~~

17 ~~(3) In Paragraph 3-301.11(D), amend to read:~~
18 ~~—"Paragraph (B) of this section does not apply to a food employee who contacts exposed, ready to~~
19 ~~eat food with bare hands at the time the ready to eat food is being added as an ingredient to a food~~
20 ~~that is to be cooked in the food establishment to heat all parts of the food to a temperature of at least~~
21 ~~74°C (165°F)."~~

22 ~~(4) In Section 3-301.11, redesignate existing Paragraph (D) as new Paragraph (E).~~

23 ~~(5) In Subparagraph 3-301.11(D)(7), replace "(D)(1)-(6)" with "(E)(1)-(6)."~~

24 ~~(6)(2) Delete Section 3-305.13.~~

25 ~~(7)(3) In Section 3-306.12, delete (B).~~

26 ~~(8) In Paragraph 3-403.11(D), amend to read: "Reheating for hot holding as specified under Paragraphs~~
27 ~~(A) through (C) of this section shall be completed within 2 hours and the time the food is between~~
28 ~~5°C (41°F) or 7°C (45°F) and the temperatures specified under Paragraphs (A) through (C) of this~~
29 ~~section may not exceed 2 hours."~~

30 ~~(9) In Paragraph 3-501.12(A), amend to read: "Under refrigeration that maintains the food temperature~~
31 ~~at 5°C (41°F) or less, or at 7°C (45°F) or less as specified under Subparagraph 3-501.16(A)(2)(b)."~~

32 ~~(10) In Paragraph 3-501.13(A), amend to read: "Under refrigeration that maintains the food temperature~~
33 ~~at 5°C (41°F) or less, or at 7°C (45°F) or less as specified under Subparagraph 3-501.16(A)(2)(b)."~~

34 ~~(11) In Paragraph 3-501.13(B), amend to read:~~

35 ~~"Completely submerged under running water:~~

36 ~~(1) At a water temperature of 21°C (70°F) or below,~~

37 ~~(2) With sufficient water velocity to agitate and float off loose particles in an overflow,~~

1 ~~————— (3) Such that for ready to eat food, the temperature of thawed portions do not rise above~~
2 ~~5°C (41°F), or 7°C (45°F) as specified under Subparagraph 3 501.16(A)(2)(b), and~~
3 ~~(4) Such that for raw animal food requiring cooking as specified under Paragraph 3-~~
4 ~~401.11(A) or (B), thawed portions are not above 5°C (41°F), or 7°C (45°F) as specified~~
5 ~~under Subparagraph 3 501.16(A)(2)(b), for more than 4 hours including:~~
6 ~~————— (a) The time the food is exposed to the running water and the time needed for~~
7 ~~preparation for cooking, or~~
8 ~~————— (b) The time it takes under refrigeration to lower the food temperature to 5°C~~
9 ~~(41°F), or 7°C (45°F) as specified under Subparagraph 3 501.16(A)(2)(b);"~~
10 ~~(12) — In Subparagraph 3 501.14(A)(2), amend to read: "Within a total of 6 hours from 57°C (135°F) to~~
11 ~~5°C (41°F) or less, or to 7°C (45°F) or less as specified under Subparagraph 3 501.16(A)(2)(b)."~~
12 ~~(13) — In Paragraph 3 501.14(B), amend to read: "Potentially hazardous food (time/temperature control for~~
13 ~~safety food) shall be cooled within 4 hours to 5°C (41°F) or less, or to 7°C (45°F) or less as specified~~
14 ~~under Subparagraph 3 501.16(A)(2)(b) if prepared from ingredients at ambient temperature such as~~
15 ~~reconstituted foods and canned tuna."~~
16 ~~(14) — In Subparagraph 3 501 16(A)(2), amend to read:~~
17 ~~"At a temperature specified in the following:~~
18 ~~(a) 5°C (41°F) or less; or~~
19 ~~————— (b) 7°C (45°F) or between 5°C (41°F) and 7°C (45°F) in existing refrigeration equipment~~
20 ~~that is not capable of maintaining the food at 5°C (41°F) or less if:~~
21 ~~(i) The equipment is in place and in use in the food establishment; and~~
22 ~~————— (ii) On or before, January 1, 2019, the equipment is upgraded or replaced to~~
23 ~~maintain food at a temperature of 5°C (41°F) or less."~~
24 ~~(15) — In Paragraph 3 501.17(A), amend to read:~~
25 ~~————— "(A) Except when packaging food using a reduced oxygen packaging method as specified under~~
26 ~~Section 3 502.12, and except as specified in Paragraphs (D) and (E) of this section, refrigerated,~~
27 ~~ready to eat, potentially hazardous food (time/temperature control for safety food) prepared and held~~
28 ~~in a food establishment for more than 24 hours shall be marked to indicate the date or day by which~~
29 ~~the food shall be consumed on the premises, sold, or discarded, based on the temperature and time~~
30 ~~combinations specified below. The day of preparation shall be counted as Day 1.~~
31 ~~(1) 5°C (41°F) or less for a maximum of 7 days; or~~
32 ~~————— (2) 7°C (45°F) or between 5°C (41°F) and 7°C (45°F) for a maximum of 4 days in existing~~
33 ~~refrigeration equipment that is not capable of maintaining the food at 5°C (41°F) or less if:~~
34 ~~(a) The equipment is in place and in use in the food establishment, and~~
35 ~~————— (b) On or before, January 1, 2019, the equipment is upgraded or replaced to~~
36 ~~maintain food at a temperature of 5°C (41°F) or less."~~

1 ~~(16) In Paragraph 3 501.19(B), amend to read: "If time without temperature control is used as the public~~
2 ~~health control up to a maximum of 4 hours:"~~

3 ~~(17) In Subparagraph 3 501.19(B)(1), amend to read: "The food shall have an initial temperature of 5°C~~
4 ~~(41°F) or less, or 7°C (45°F) or less when removed from cold holding temperature control, or 57°C~~
5 ~~(135°F) or greater when removed from hot holding temperature control;"~~

6 ~~(18) In Paragraph 3 801.11(D), amend to read: "Food employees may not contact ready to eat food as~~
7 ~~specified under Paragraphs 3 301.11(B) and (E)."~~

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

10 *Eff. September 1, 2012;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20,*
12 *2019.*