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

15A NCAC 18A .2653  FOOD

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 3, the following apply:

1. 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 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."

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

3. In Paragraph 3-301.11(D), amend to read:

"Paragraph (B) of this section does not apply to a food employee who contacts exposed, ready-to-eat food with bare hands at the time the ready-to-eat food is being added as an ingredient to a food that is to be cooked in the food establishment to heat all parts of the food to a temperature of at least 74°C (165°F)."

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

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

6. In Section 3-305.12, delete (B).

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

8. In Paragraph 3-501.12(A), amend to read: "Under refrigeration that maintains the food temperature 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)."

9. In Paragraph 3-501.13(A), amend to read: "Under refrigeration that maintains the food temperature 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)."

10. In Paragraph 3-501.13(B), amend to read:

"Completely submerged under running water:

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

2. With sufficient water velocity to agitate and float off loose particles in an overflow,"
(3) Such that for ready-to-eat food, the temperature of thawed portions do not rise above
5°C (41°F), or 7°C (45°F) as specified under Subparagraph 3-501.16(A)(2)(b), and

(4) Such that for raw animal food requiring cooking as specified under Paragraph 3-
401.11(A) or (B), thawed portions are not above 5°C (41°F), or 7°C (45°F) as specified
under Subparagraph 3-501.16(A)(2)(b), for more than 4 hours including:

(a) The time the food is exposed to the running water and the time needed for
preparation for cooking, or

(b) The time it takes under refrigeration to lower the food temperature to 5°C
(41°F), or 7°C (45°F) as specified under Subparagraph 3-501.16(A)(2)(b);“

(12) In Subparagraph 3-501.14(A)(2), amend to read: “Within a total of 6 hours from 57°C (135°F) to
5°C (41°F) or less, or to 7°C (45°F) or less as specified under Subparagraph 3-501.16(A)(2)(b).“

(13) In Paragraph 3-501.14(B), amend to read: “Potentially hazardous food (time/temperature control for
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
under Subparagraph 3-501.16(A)(2)(b) if prepared from ingredients at ambient temperature such as
reconstituted foods and canned tuna.”

(14) In Subparagraph 3-501.16(A)(2), amend to read:

"At a temperature specified in the following:

(a) 5°C (41°F) or less; or

(b) 7°C (45°F) or between 5°C (41°F) and 7°C (45°F) in existing refrigeration equipment
that is not capable of maintaining the food at 5°C (41°F) or less if:

(i) The equipment is in place and in use in the food establishment; and

(ii) On or before, January 1, 2019, the equipment is upgraded or replaced to
maintain food at a temperature of 5°C (41°F) or less.”

(15) In Paragraph 3-501.17(A), amend to read:

"(A) Except when packaging food using a reduced oxygen packaging method as specified under
Section 3-502.12, and except as specified in Paragraphs (D) and (E) of this section, refrigerated,
ready-to-eat, potentially hazardous food (time/temperature control for safety food) prepared and held
in a food establishment for more than 24 hours shall be marked to indicate the date or day by which
the food shall be consumed on the premises, sold, or discarded, based on the temperature and time
combinations specified below. The day of preparation shall be counted as Day 1.

(1) 5°C (41°F) or less for a maximum of 7 days; or

(2) 7°C (45°F) or between 5°C (41°F) and 7°C (45°F) for a maximum of 4 days in existing
refrigeration equipment that is not capable of maintaining the food at 5°C (41°F) or less if:

(a) The equipment is in place and in use in the food establishment, and

(b) On or before, January 1, 2019, the equipment is upgraded or replaced to
maintain food at a temperature of 5°C (41°F) or less.”
(16) In Paragraph 3-501.19(B), amend to read: "If time without temperature control is used as the public health control up to a maximum of 4 hours:"

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

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