

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 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, which are found in 10A NCAC 05 and 06."
- (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), amend "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."
- (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."
- (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."
- (7) In Paragraph 1-201.10(B), add: "'Food stand' means a food establishment that prepares or serves food and that only provides seating facilities as set forth in G.S. 130A-248(a6)."
- (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."
- (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)."
- (10) In Paragraph 1-201.10(B), add: "'Limited food services establishment' means a food establishment as defined in G.S. 130A-247(7)."
- (11) In Paragraph 1-201.10(B), add: "'Local health director' means a local health director as defined in G.S. 130A-2(6)."
- (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 with no permanent utility connections, except for an onsite electrical connection, that is designed to be moved and vend 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), amend "Regulatory Authority" to read: "'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 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 from the event. The temporary food establishment commissary permit shall be valid for no more than 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 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 from the temporary food establishment commissary. The temporary food establishment commissary shall comply with all temporary food establishment requirements as set forth in the rules at 15A NCAC 18A .2600."
- (23) In Paragraph 1-201.10(B), add: "'Transitional Permit' means as defined at G.S. 130A-248(c). The transitional permit shall expire 180 days after the date of issuance."
- (24) In Paragraph 1-201.10(B), delete the definition of "Vending machine."
- (25) In Paragraph 1-201.10(B), delete the definition of "Vending machine location."

History Note: Authority G.S. 130A-248; S.L. 2019-129;
Eff. September 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019;
Amended Eff. October 1, 2021.