

**21 NCAC 17 .0402            INDIVIDUALS PROVIDING NUTRITION INFORMATION**

(a) The following terms and phrases shall have the meanings specified:

- (1) "Nutrition information" means nutrition information related to food, food materials, or dietary supplements which is designed for one or more healthy population groups and is based on scientific evidence. Nutrition information is not individualized to provide nutrition care services for the purpose of managing or treating a medical condition for a specific person or group as referenced in G.S. 90-352(3a).
- (2) "Reported or historical use" means information about food, food materials, or dietary supplements which is based on:
  - (A) historical or methodological studies or research conducted by experts in the field using sound scientific methods with randomized controlled clinical trials; or
  - (B) reports on scientific studies published in peer-reviewed medical or dietetics and nutrition journals or publications.

(b) The Board shall deem an individual who provides nutrition information or education to be in compliance with G.S. 90-368(9) when:

- (1) The person does not hold himself or herself out to be a dietitian or nutritionist or imply orally or in writing or indicate in any way that he or she is a dietitian or nutritionist;
- (2) The person does not provide medical nutrition therapy support activities which have not been delegated to him or her by a licensed dietitian/nutritionist, licensed nutritionist, or other licensed health care practitioner whose licensed scope of practice includes the practice of dietetics or nutrition;
- (3) The person provides nutrition information on or about food, food materials, or dietary supplements, and does not provide nutrition information on the nutritional needs of the consumer as related to managing or treating a medical condition;
- (4) The person provides nutrition information in connection with the marketing and distribution of the food, food materials, dietary supplements, or other goods to be provided or sold, and does not provide nutrition information in connection with the marketing and distribution of medical nutrition therapy services;
- (5) The person provides the nutrition information on food, food materials, nutraceuticals, dietary supplements, or other goods in accordance with federal, State, and local laws, regulations, and ordinances, including but not limited to G.S. 90, Article 25.

*History Note: Authority G.S. 90-356(2); 90-368;  
Eff. March 1, 1996;  
Amended Eff. July 18, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;  
Amended Eff. January 1, 2023.*