

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: All Forms

DEADLINE FOR RECEIPT: Friday, May 12, 2017

NOTE: *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please ensure that all forms are signed by the rule-making coordinator.

Only one form is necessary for combined repeals. See 26 NCAC 02C .0406.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1801-.1815

DEADLINE FOR RECEIPT: Tuesday, September 12, 2017

NOTE: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please combine Rules .1801-.1815 in accordance with 26 NCAC 02C .0406 and combine the History Notes since all of these Rules have the same original effective date. Only one form is necessary for these repeals.

Please update the publication edition and page numbers to show the June 1, 2017 publication date (31:23) and the pertinent page number for the rules.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

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1 15A NCAC 18A .1802 - .1804 are repealed as published in 31:18 NCR 2341 - 2351 as follows:
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3 **15A NCAC 18A .1802 PERMITS**

4 **15A NCAC 18A .1803 PUBLIC DISPLAY OF GRADE CARD**

5 **15A NCAC 18A .1804 INSPECTIONS**
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7 *History Note: Authority G.S. 130A-248;*

8 *Eff. February 1, 1976;*

9 *Readopted Eff. December 5, 1977;*

10 *Amended Eff. January 1, 1996; April 1, 1992; September 1, 1990; March 1, 1988, March 1, 1988;*

11 *Repealed Eff. October 1, 2017.*
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1 15A NCAC 18A .1805 is repealed as published in 31:18 NCR 2341 - 2351 as follows:
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3 **15A NCAC 18A .1805 INSPECTION FORMS**
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5 *History Note:* *Authority G.S. 130A-248;*
6 *Eff. February 1, 1976;*
7 *Readopted Eff. December 5, 1977;*
8 *Amended Eff. April 1, 1997; January 1, 1996; September 1, 1990; ~~June 30, 1980~~; June 30, 1980.*
9 *Repealed Eff. October 1, 2017.*
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1 15A NCAC 18A .1806 and .1807 are repealed as published in 31:18 NCR 2341 - 2351 as follows:

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3 **15A NCAC 18A .1806 GRADING**

4 **15A NCAC 18A .1807 APPROVED LODGING ESTABLISHMENTS**

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6 *History Note:* Authority G.S. 130A-248;
7 Eff. February 1, 1976;
8 Readopted Eff. December 5, 1977;
9 Amended Eff. January 1, 1996; September 1, 1990, September 1, 1990;
10 Repealed Eff. October 1, 2017.
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1 15A NCAC 18A .1808 is repealed as published in 31:18 NCR 2341 - 2351 as follows:
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3 **15A NCAC 18A .1808 LOBBY: HALLS: STAIRS: AND VENDING AREAS**
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5 *History Note:* Authority G.S. 130A-248;
6 Eff. February 1, 1976;
7 Readopted Eff. December 5, 1977;
8 Amended Eff. August 1, 2000; January 1, 1996; ~~September 1, 1990~~, September 1, 1990;
9 Repealed Eff. October 1, 2017.
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1 15A NCAC 18A .1809 is repealed as published in 31:18 NCR 2341 - 2351 as follows:
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3 **15A NCAC 18A .1809 LAVATORIES AND BATHS**

4 *History Note:* Authority G.S. 130A-248;
5 Eff. February 1, 1976;
6 Amended Eff. July 1, 1977;
7 Readopted Eff. December 5, 1977;
8 Amended Eff. January 1, 1996; April 1, 1992; December 1, 1988;
9 Temporary Amendment Eff. January 31, 2000;
10 Amended Eff. November 1, 2006; ~~April 1, 2001~~, April 1, 2001;
11 Repealed October 1, 2017.

1 15A NCAC 18A .1810 is repealed as published in 31:18 NCR 2341 - 2351 as follows:

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3 **15A NCAC 18A .1810 WATER SUPPLY**
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5 *History Note: Authority G.S. 130A-248;*
6 *Eff. February 1, 1976;*
7 *Readopted Eff. December 5, 1977;*
8 *Amended Eff. January 1, 1996; September 1, 1990; July 1, 1986;*
9 *Temporary Amendment Eff. June 22, 1998;*
10 *Temporary Amendment Expired March 12, 1999;*
11 *Temporary Amendment Eff. March 18, 1999;*
12 *Amended Eff. ~~August 1, 2000~~, August 1, 2000;*
13 *Repealed October 1, 2017.*
14

1 15A NCAC 18A .1811 is repealed as published in 31:18 NCR 2341 - 2351 as follows:

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3 **15A NCAC 18A .1811 DRINKING WATER FACILITIES**

4
5 *History Note:* Authority G.S. 130A-248;
6 Eff. February 1, 1976;
7 Readopted Eff. December 5, 1977;
8 Amended Eff. January 1, 1996; September 1, 1990, September 1, 1990;
9 Repealed Eff. October 1, 2017.
10

1 15A NCAC 18A .1812is repealed as published in 31:18 NCR 2341 - 2351 as follows:

2
3 **15A NCAC 18A .1812 GUESTROOMS**

4 *Authority G.S. 130A-248;*

5 *Eff. February 1, 1976;*

6 *Readopted Eff. December 5, 1977;*

7 *Amended Eff. January 1, 1996; April 1, 1992; September 1, 1990; September 1, 1979;*

8 *Temporary Amendment Eff. January 31, 2000;*

9 *Amended Eff. August 1, 2001; ~~August 1, 2000~~, August 1, 2000;*

10 *Repealed Eff. October 1, 2017.*

1 15A NCAC 18A .1813 is repealed as published in 31:18 NCR 2341 - 2351 as follows:

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3 **15A NCAC 18A .1813 STORAGE AND LAUNDRY FACILITIES**

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5 *History Note:* Authority G.S. 130A-248;
6 Eff. February 1, 1976;
7 Readopted Eff. December 5, 1977;
8 Amended Eff. January 1, 1996; ~~September 1, 1990;~~ September 1, 1990;
9 Repealed Eff. October 1, 2017.
10

1 15A NCAC 18A .1814 is repealed as published in 31:18 NCR 2341 - 2351 as follows:

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3 **15A NCAC 18A .1814 DISPOSAL OF GARBAGE AND TRASH: PREMISES**

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5 *History Note: Authority G.S. 130A-248;*

6 *Eff. February 1, 1976;*

7 *Readopted Eff. December 5, 1977;*

8 *Amended Eff. August 1, 1996; January 1, 1996; ~~September 1, 1990~~, September 1, 1990;*

9 *Repealed Eff. October 1, 2017.*

1 15A NCAC 18A .1815 is repealed as published in 31:18 NCR 2341 - 2351 as follows:

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3 **15A NCAC 18A .1815 SEVERABILITY**

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5 *History Note: Authority G.S. 130A-248;*

6 *Eff. February 1, 1976;*

7 *Readopted Eff. December 5, 1977;*

8 *Amended Eff. August 1, 1996; January 1, 1996; ~~September 1, 1990~~, September 1, 1990;*

9 *Repealed Eff. October 1, 2017.*

1 15A NCAC 18A .1817 is repealed as published in 31:18 NCR 2341 - 2351 as follows:

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3 **15A NCAC 18A .1817 APPEALS PROCEDURE**

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5 *History Note:* Authority G.S. 130A-248; Eff. February 1, 1987;
6 Amended Eff. ~~September 1, 1990.~~ September 1, 1990;
7 ~~Repealed October 1, 2017.~~

8

1 15A NCAC 18A .1818 is repealed as published in 31:18 NCR 2341 - 2351 as follows:

2

3 **15A NCAC 18A .1818 PLAN REVIEW**

4 *History Note:* Authority G.S. 130A-248;

5 Eff. August 1, 1990;

6 Amended Eff. ~~January 1, 1996~~, January 1, 1996;

7 Repealed Eff. October 1, 2017.

8

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1821

DEADLINE FOR RECEIPT: Tuesday, September 12, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In Item (1), why are there two definitions and one exclusion for this term? Is (1)(b) accurate in that an "accredited program" refers to the "certification process"? Is (1)(b) setting forth how the accrediting agency is to determine whether the program conforms to national standards? It is unclear to me how these go together. Please clarify and collapse into just one Paragraph so there are no additional terms being defined. A suggestion would be as follows:

(1) "Accredited Program"

~~(a) "Accredited program"~~ means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify ~~individuals~~.
individuals

~~(b) "Accredited program" refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline, and grievance procedures; and test development and administration.~~

~~(c) "Accredited program" does not refer to training functions or educational programs.~~

Item (1)(a), line 11, who are the "accrediting agencies" and what are "national standards"? Please provide some additional information.

In (1)(b), line 14, who is the independent evaluator?

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

Line 23, what are “generally recognized standards”? Where are they located or found? Please provide some additional information.

Why do you need Item (6)? Specifically, why do you need the second sentence? Please consider deleting.

In Item 7, please consider saying something like “free from dirt, marks, and stains” or something of the like.

In Item (8) and elsewhere where the term is used in Rules, should the term “person in charge” be hyphenated?

In (17), please add a space in between “sink” and “means”

In Item (18), who will determine what “may” cause this a hazard. Please also define “unacceptable consumer risk”

In Item (21), line 29-30, please consider putting “lodging establishment” in quotation marks.

In Item (21), lines 30-31, what is meant by “unless otherwise described”? Do you mean “unless otherwise described in the Rules of this Section”? Some additional information would be helpful.

In Sub-Item (29)(b), are sanitizers usually considered pesticides? Is this why you need to exclude them here when they are specifically addressed in Sub-Item (28)(a)?

In Sub-Item (29)(c), who determines what “may be deleterious to health”? Where are the guidelines for this? Please add some additional information.

In Item (30), I don’t see that “potentially hazardous food” is defined in 15A NCAC 18A .2651. I see it referenced here, but do not see a definition. Please clarify.

In Item (32), I don’t necessarily have an issue with the definition of “proper” here, but I’m also not sure that defining this term as you have here will address the clarity issue often presented by “proper” in other Rules. As such, is this definition necessary as it doesn’t really give any meaning to “proper”?

In Item (34), line 22, what is an “authorized agent”? Would it be appropriate to simply say something like "Registered Environmental Health Specialist" means a ~~Registered~~ an Environmental Health Specialist as defined in G.S. 90A-51(2b) ~~and who has registered in accordance with G.S. 90A-51(4) and authorized agent of the Department. G.S. 90A-51(4).~~

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

In Item (35), who is this authorized agent? Isn't the Department the actual regulatory authority here in that it grants the permits based upon Commission rules? Why are you using this term rather than "Department" throughout the rules? Please consider deleting "regulatory authority" here and throughout the Rules and simply use "the Department." The concern is that by using "regulatory authority" it appears as though it could be someone other than the "Department", which the statute does not appear to allow.

In Item (36), line 31, who is evaluating, what does "efficacy" mean here, and how is "sufficient" determined? Please provide some additional information.

In Item (39), Page 4, line 5, define "immediate threat to the public health." Are there other rules or statutes that provide some additional information as to whom and how this is to be determined? Is this intended to address G.S. 130A-248(b)?

(b) No establishment shall commence or continue operation without a permit or transitional permit issued by the Department. The permit or transitional permit shall be issued to the owner or operator of the establishment and shall not be transferable. If the establishment is leased, the permit or transitional permit shall be issued to the lessee and shall not be transferable. If the location of an establishment changes, a new permit shall be obtained for the establishment. A permit shall be issued only when the establishment satisfies all of the requirements of the rules. The Commission shall adopt rules establishing the requirements that must be met before a transitional permit may be issued, and the period for which a transitional permit may be issued. The Department may also impose conditions on the issuance of a permit or transitional permit in accordance with rules adopted by the Commission. A permit or transitional permit shall be immediately revoked in accordance with G.S. 130A-23(d) for failure of the establishment to maintain a minimum grade of C. A permit or transitional permit may otherwise be suspended or revoked in accordance with G.S. 130A-23.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

SUBCHAPTER 18A - SANITATION

SECTION .1800 - SANITATION OF LODGING PLACES

15A NCAC 18A .1821 is adopted with changes as published in 31:18 NCR 2341 - 2351 as follows:

15A NCAC 18A .1821 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Accredited Program"
 - (a) "Accredited program" means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals.
 - (b) "Accredited program" refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline, and grievance procedures; and test development and administration.
 - (c) "Accredited program" does not refer to training functions or educational programs.
- (2) "Adulterated" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, 402, 21 U.S.C. §342, which is hereby incorporated by reference, including subsequent amendments and editions. <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title21/html/USCODE-2010-title21-chap9-subchapIV-sec342.htm> and may be accessed free of charge.
- (3) "Approved" means acceptable to the regulatory authority based upon a determination of conformity with principles, practices, and generally recognized standards that protect public health.
- (4) "Bed and Breakfast Home" means bed and breakfast home as defined in G.S. 130A-247(5a).
- (5) "Bed and Breakfast Inn" means bed and breakfast inn as defined in G.S. 130A-247(6).
- (6) "CFR" means Code of Federal Regulations. Citations in this Code to the CFR refer sequentially to the Title, Part, and Section numbers, such as 40 CFR 180.194 refers to Title 40, Part 180, Section 194.
- (7) "Clean" means free from being visibly soiled.
- (8) "Department" means the North Carolina Department of Health and Human Services.
- (9) "Employee" means the permit holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a lodging establishment.
- (10) "Equipment" means an article that is used in the operation of a lodging establishment such as a freezer, grinder, hood, ice ~~maker~~ machine, water fountain, meat block, mixer, oven, reach-in

- 1 refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending
2 machine, or warewashing machine.
- 3 (11) "Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or
4 intended for use or for sale in whole or in part for human consumption, or chewing gum.
- 5 (12) "Food-contact surface" means:
- 6 (a) A surface of equipment or a utensil with which food normally comes into contact; or
7 (b) A surface of equipment or a utensil from which food may drain, drip, or splash:
- 8 (i) Into a food product; or
9 (ii) Onto a surface normally in contact with food.
- 10 (13) "Food employee" means an individual working with unpackaged food, food equipment or utensils,
11 or food-contact surfaces.
- 12 (14) "Furnishings" means furniture, fittings, window coverings, and other accessories, including
13 decorative accessories.
- 14 (15) "Good Repair" means equipment and utensils shall be maintained in a state of repair and condition
15 that meets the requirements specified under Parts 4-1 and 4-2 of the Food Code as incorporated by
16 reference in Rule 15A NCAC 18A .2650.
- 17 (16) "Guest Rooms" means the accommodations or designated areas for persons who pay for the services
18 of the lodging establishment, such as bedrooms, suite areas, and bathrooms.
- 19 (17) "Handwashing sink" means a lavatory, basin, or vessel for washing, a washbasin, or a plumbing
20 fixture placed for use in personal hygiene and designed for the washing of the hands. This includes
21 an automatic handwashing facility.
- 22 (18) "Hazard" means a biological, chemical, or physical property that may cause an unacceptable
23 consumer health risk.
- 24 (19) "Kitchenware" means food preparation and storage utensils.
- 25 (20) "Linen" means fabric items such as bedding, towels, cloth hampers, cloth napkins, table cloths,
26 wiping cloths, and work garments including cloth gloves.
- 27 (21) "Lodging establishment" means all hotels, motels, inns, tourist homes, and other places providing
28 lodging accommodations for pay. Facilities described in G.S. 130A-250 (1) through (5) shall not be
29 regulated as "lodging establishment." For the purposes of this Section, the term lodging
30 establishment also includes bed and breakfast homes and bed and breakfast inns, unless otherwise
31 described.
- 32 (22) "mg/L" means milligrams per liter, which is the metric equivalent of parts per million (ppm).
- 33 (23) "Packaged" means bottled, canned, cartoned, bagged, or wrapped, whether packaged in a food
34 establishment or a food processing plant.
- 35 (24) "Permit" means the document issued by the regulatory authority that authorizes a person to operate
36 a lodging establishment.
- 37 (25) "Permit Holder" means:

- (a) The person in charge who resides in and owns or rents the bed and breakfast home or bed and breakfast inn.
- (b) The legal entity responsible for the operation of the lodging establishment, such as the owner, the owner's agent, or other person.
- (26) "Person" means person as defined in G.S. 130A-2(7).
- (27) "Person in charge" means the individual present at a lodging establishment who is responsible for the operation at the time of inspection.
- (28) "Physical facilities" means the structure and interior surfaces of a lodging establishment, including furnishings and accessories such as soap and towel dispensers and attachments, such as light fixtures and heating or air conditioning system vents.
- (29) "Poisonous or toxic materials" means substances that are not intended for ingestion and are included in four categories:
- (a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
- (b) Pesticides, except sanitizers, which include substances such as insecticides and rodenticides;
- (c) Substances that are necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; and
- (d) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.
- (30) "Potentially Hazardous Food" means potentially hazardous food (time/temperature control for safety food) as defined in 15A NCAC 18A .2651.
- (31) "Premises" means the physical facility, its contents, and the contiguous land or property under the control of the permit holder.
- (32) "Proper" means right, correct, or accepted.
- (33) "Refuse" means solid waste not carried by water through the sewage system.
- (34) "Registered Environmental Health Specialist" means a Registered Environmental Health Specialist as defined in G.S. 90A-51(2b) and G.S. 90A-51(4) and authorized agent of the Department.
- (35) "Regulatory Authority" means the ~~department~~ Department or authorized agent of the Department.
- (36) "Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms.
- (37) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.
- (38) "Single-use articles" means tableware, carry-out utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use after which they are intended for discard. It also includes utensils and bulk food

containers designed and constructed to be used once and discarded, such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans.

(39) "Tableware" means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

(40) "Temperature measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

(41) "Transitional Permit" means a permit issued by the regulatory authority upon the transfer of ownership or lease of an existing lodging establishment to allow the correction of construction and equipment problems that do not represent an immediate threat to public health.

(42) "Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; temperature sensing probes of food temperature measuring devices; and probe-type price or identification tags used in contact with food.

(43) "Warewashing" means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.

*History Note: Authority G.S. 130A-248;
Adopted Eff. October 1, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1822

DEADLINE FOR RECEIPT: Tuesday, September 12, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In Item (a)(3), by “section”, do you mean “Rule” or is the intent to delay the effective date of all of these Rules until July 1, 2018? How about the Rules that you are repealing that are effective October 1, 2017? Please note that changes to this may result in a substantial change requiring republication.

What is the intent of (b)? Aren't bed and breakfast homes included in lodging establishments per 15A NCAC 18A .1821? Also, Bed and breakfasts are included in the definition of “establishment” in 130A-247. Also, the sections included in (b) appear to already be addressed in (a)? I see that there is a distinction in 130A-248(a1) and (a2). Perhaps it would be helpful to address this in the definition Rule of “lodging establishment” to make clear that “lodging establishment” does not include bed and breakfast homes or inns, assuming that this is correct.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

1 15A NCAC 18A .1822 is adopted with changes as published in 31:18 NCR 2341 - 2351 as follows:

2
3 **15A NCAC 18A .1822 MANAGEMENT AND PERSONNEL**

4 (a) Bed and breakfast homes or bed and breakfast inns shall comply with Parts 2-1 through 2-4 of the Food Code as
5 amended by Rule 15A NCAC 18A .2652, with the following exceptions:

6 (1) Food preparation shall not be prohibited in a bed and breakfast home or bed and breakfast inn.

7 (2) Nothing shall prohibit family style dining or return to self-service areas such as buffets in a bed and
8 breakfast home or bed and breakfast inn.

9 (3) The requirements of this section ~~are~~ shall be effective on July 1, 2018.

10 (b) Lodging establishment employees shall comply with the requirements of Sections 2-301.11, 2-301.12, 2-301.14,
11 2-301.15, 2-304.11, 2-401.11, 2-401.12, and 2-403.11 of the Food Code as amended by Rule 15A NCAC 18A .2652.

12
13 *History Note: Authority G.S. 130A-248;*

14 *Adopted Eff. October 1, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1823

DEADLINE FOR RECEIPT: Tuesday, September 12, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

What is the intent of (a)? I don't read 130A-247 through 130A-250 to provide exceptions. Is there a specific statute that you are pointing to? Perhaps it would be helpful to say when the establishment permits are necessary, rather than a blanket statement that they are not unless they meet certain requirements. As written, even in combination with the statutes, it is unclear to me as to when it will be necessary to get a permit. It is just when a lodging establishment or bed and breakfast home or inn prepares or serves food? Is the intent of (a) simply to say that if you aren't serving food, then you don't have to get an establishment permit? If so, say that.

In (b), please see the note in Rule .1822 regarding the inclusion of bed and breakfast inns and homes as lodging establishments.

I take it Paragraph (b) is to implement G.S. 130A-248(a2)?

(a2) For the protection of the public health, the Commission shall adopt rules governing the sanitation of bed and breakfast homes, as defined in G.S. 130A-247, and rules governing the sanitation of bed and breakfast inns, as defined in G.S. 130A-247. In carrying out this function, the Commission shall adopt requirements that are the least restrictive so as to protect the public health and not unreasonably interfere with the operation of bed and breakfast homes and bed and breakfast inns.

In (c), line 11, approved by whom and using what guidelines? To what "law" is being referred? What is meant by "sanitary manner"?

Please add an effective date in the History Note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber C. May
Commission Counsel

Date submitted to agency: August 29, 2017

1 15A NCAC 18A .1823 15A adopted as published in 31:18 NCR 2341 - 2351 as follows:

2 :

3
4 **15A NCAC 18A .1823 FOOD**

5 (a) Except as required by G.S. 130A-247 through 130A-250, food services at lodging establishments shall not be
6 required to obtain food establishment permits.

7 (b) Food prepared in a bed and breakfast home or a bed and breakfast inn shall comply with Chapter 3 of the Food
8 Code as amended by Rule 15A NCAC 18A .2653. The rules in this Section shall not prohibit family style service in
9 bed and breakfast homes and bed and breakfast inns, and no additional protection or labeling of food shall be required
10 during display and service in these establishments.

11 (c) In lodging establishments, ice used for room service shall be manufactured from an approved water supply that
12 complies with Law and shall be stored and handled in a sanitary manner. All ice machines for use by guests shall
13 dispense ice without exposing stored ice to guests.

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15 *History Note: Authority G.S. 130A-248;*
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REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1824

DEADLINE FOR RECEIPT: Tuesday, September 12, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please either underline or strikethrough any changes made – please don't do both. For example, depending on whether the intent is to add or remove language, please remove the underline or the strikethrough on line 10, "~~18A .2654~~after", on line 17, "~~G.S. 130A 248 (3)~~", and on line 20, ~~properly~~.

Overall, it is unclear to me who this Rule will apply to. Are Paragraphs (c) and (d) only applicable to bed and breakfast homes and inns, but the remainder of the Rule applies to all lodging establishments? If so, please consider reordering this Rule to make that more clear.

In (d), line 13, generally the term "at least" and "at minimum" is discouraged in rules, as rules set minimum standards.

In (e), is "nonfood" one word or two? When looking up the term, I find it as "non food"

In (f), lines 15 "Section .2654 of ... Establishments." with "Rule 15A NCAC 18A .2564."

In (f), lines 16-17, define "proper concentrations"

Please end (f) with a period, rather than a comma.

In (j), line 24, delete or define "accurately"

Please either delete lines 17 through 27 or lines 31 through line 2 on page 2 – they duplicate each other. It was not published this way.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

1 15A NCAC 18A .1824 is adopted with changes as published in 31:18 NCR 2341 - 2351 as follows:

2
3 **15A NCAC 18A .1824 EQUIPMENT AND UTENSILS**

4 (a) Food-contact surfaces shall comply with Parts 4-1 and 4-2 of the Food Code as amended by Rule 15A NCAC 18A
5 .2654. This shall not prohibit the use of domestic equipment.

6 (b) Equipment and utensils shall be kept clean and in good repair.

7 (c) All kitchenware and food-contact surfaces of equipment, excluding cooking surfaces of equipment, used in the
8 preparation or serving of food or drink, and all food storage utensils, in a bed and breakfast home or bed and breakfast
9 inn shall be cleaned and sanitized, as required in Parts 4-6 and 4-7 of the Food Code as amended by Rule ~~15A NCAC~~
10 ~~18A .2654~~ after 15A NCAC 18A .2654 after each use, air dried, and stored in a manner to prevent contamination.

11 (d) Cooking surfaces of equipment in a bed and breakfast home or bed and breakfast inn shall be cleaned at ~~least~~
12 minimum once each day.

13 (e) Nonfood-contact surfaces of equipment shall be clean.

14 (f) Sanitizers used for sanitization of kitchenware and food-contact surfaces shall be maintained at proper
15 concentrations as required in Part 4-5 of the Food Code as amended by Section .2654 of the "Rules Governing the
16 Food Protection and Sanitation of Food Establishments,"

17 (g) Nothing in this Rule shall require sanitization as exempted in guest rooms per ~~G.S. 130A-248 (3)~~ G.S. 130A-248
18 (a3)(3).

19 (h) Sinks in guest rooms shall be sanitized before washing multi-use utensils.

20 ~~(h)(i)~~ Single-use articles may be used if discarded after each use. Single-use articles must be properly stored and
21 handled to prevent contamination.

22 ~~(i)(j)~~ A food temperature measuring device with a small diameter probe shall be provided and accessible for use by
23 employees in ensuring attainment and maintenance of food temperatures.

24 ~~(j)(k)~~ A test kit or other device that accurately measures the concentration in mg/L of sanitizing solutions shall be
25 provided by the lodging establishment.

26 ~~k(l)~~ Equipment for preparing coffee and tea shall be kept clean, but is exempt from sanitization required by Paragraph
27 (c) of this Rule.

28
29
30
31 Nothing in this Rule shall require sanitization as exempted in guest rooms per G.S. 130A-248 (3).

32 (h) Single-use articles may be used if discarded after each use. Single-use articles must be properly stored and handled
33 to prevent contamination.

34 (i) A food temperature measuring device with a small diameter probe shall be provided and accessible for use by
35 employees in ensuring attainment and maintenance of food temperatures.

36 (j) A test kit or other device that accurately measures the concentration in mg/L of sanitizing solutions shall be
37 provided by the lodging establishment.

(k) Equipment for preparing coffee and tea shall be kept clean, but is exempt from sanitization required by Paragraph (c) of this Rule.

History Note: Authority G.S. 130A-248;
Adopted Eff. October 1, 2017.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1825

DEADLINE FOR RECEIPT: Tuesday, September 12, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), line 4, what is “waste”? I don’t see it defined – is it known to your regulated public?

So that I’m clear, what is the intent of lines 6 and 10? If it’s to create a delayed effective date, is there a reason the language is different from Rule .1822? And in (b), do you mean “Rule” rather than “rules”? If you do mean “rules,” then to what other rules are you referring?

In (a), lines 6-8, please consider making this its own Paragraph.

In (b), line 10 and 11 refers to “lavatories”, but line 9 refers to a sink. Please be consistent.

In (b), lines 10-11, there is a reference to a requirement that requires facilities to have handwashing lavatories in soiled linen areas, but that is not what I read (b) to do. It simply requires that there be a handwashing sink available. I would suggest simply deleting “as required”

In (b), line 11, what is an “approved hygiene program”? By whom is this approval made? If it is by the Department, how is this determination made? Is there a cross-reference available?

Is the new language in (c) that was added post publication already elsewhere in rule or statute? If not, this appears to be a potential substantial change post publication that would require republication.

In (e), to what “provision for cleaning” is being referred? Is this cleaning requirement stated elsewhere in Rule or in the Food Code?

In (g), line 14, what is a “returnable”? Does your regulated public know?

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

On lines 14-15, what is the intent of “keep development of objectionable odors and other conditions that attract or harbor insects and rodents.”? This language seems to be missing a word. Also, please delete or define “objectionable.”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

1 15A NCAC 18A .1825 is adopted with changes as published in 31:18 NCR 2341 - 2351 as follows:

2
3 **15A NCAC 18A .1825 WATER, PLUMBING, AND WASTE**

4 (a) Water, plumbing, and waste shall comply with Chapter 5 of the Food Code as amended by Rule 15A NCAC 18A
5 .2655. The requirements of Sections 5-202.12, 5-203.11, 5-203.12, 5-203.13, 5-204.11, and 5-205.11 of the Food
6 Code as amended by Rule 15A NCAC 18A .2655 shall be effective one year after the effective date of this Rule. Bed
7 and Breakfast Homes that are permitted prior to April 2017 and only serve the breakfast meal shall not be required to
8 provide a separate handwashing sink in the kitchen.

9 (b) A handwashing sink, located to allow use by employees handling clean and soiled linen, shall be provided. This
10 requirement shall be effective one year after the effective date of these rules. Facilities that do not have handwashing
11 lavatories in soiled linen areas as required shall not be required to install additional lavatories if an approved hand
12 hygiene program is used.

13 (c) Baths, lavatories, and toilets shall be provided for each guest room or unit in lodging establishments constructed
14 on or after December 1, 1988.

15 ~~(e)~~(d) All refuse shall be collected and stored in covered receptacles. Refuse receptacles shall be kept clean and in
16 good repair.

17 ~~(d)~~(e) Where dumpsters are used, a contract for off-site cleaning shall constitute compliance with the provision for
18 cleaning.

19 ~~(e)~~(f) Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will keep
20 development of objectionable odors and other conditions that attract or harbor insects and rodents.

21
22 *History Note: Authority G.S. 130A-248;*

23 *Adopted Eff. October 1, 2017.*
24

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1826

DEADLINE FOR RECEIPT: Tuesday, September 12, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), line 5, how is this approved and by whom?

In (b), please change "Rule .1825 of this Subchapter" to this "Rule .1825 of this Section"

In (d), please delete "at least"

In (d), line 10, is the term "foot candles" known to your regulated public?

In (g), line 15, "~~effectively~~" was not published. Please delete this word.

In (h), why is "furnishings" in quotation marks? Please remove them.

Please strike through and remove the underline under "(h)" on line 19.

In (i), line 21, I take it "harborage conditions" is known to your regulated public?

In (i), line 21, please remove the underline under the "s" of "shipments"

In (j), just so I'm clear, service animals are not allowed in food preparation areas under any circumstances, but they are allowed in storage, sales, display, and dining areas? Are there any ADA issues with this?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

1 15A NCAC 18A .1826 is adopted with changes as published in 31:18 NCR 2341 - 2351 as follows:

2
3 **15A NCAC 18A .1826 PHYSICAL FACILITIES**

4 (a) Handwashing sinks as required in Rule .1825 in this Section shall be supplied with hand soap, and either individual,
5 disposable towels or an approved hand drying device. Handwashing sinks in guest rooms shall be supplied with soap
6 and clean towels.

7 (b) Toilets or urinals shall be provided as in Rule .1825 in this Subchapter and shall have a supply of toilet tissues
8 available at each toilet.

9 (c) Sinks, vanities, toilets, and showers in guest rooms shall be cleaned and sanitized between guests.

10 ~~(d)(e)~~ The light intensity shall be at least 215 ~~lux/30~~ lux/20 foot candles at a distance of 75 cm/30 inches above the
11 floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms.

12 ~~(d)(e)~~ Where natural ventilation only is provided, outside openings shall be screened and in good repair. -Windows
13 and doors shall be kept clean and in good repair.

14 ~~(e)(f)~~ Physical facilities shall be kept clean and in good repair.

15 ~~(f)(g)~~ Perimeter walls and roofs shall ~~effectively~~ protect the lodging establishment from the weather and the entry of
16 insects, rodents, and other pests.

17 ~~(g)(h)~~ "Furnishings," bathroom fixtures, carpets, and other accessories in guest rooms, shall be kept clean and in good
18 repair.

19 (h)(i) The premises and guest rooms shall be maintained free of insects, rodents, and other pests. The presence of
20 insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by: -inspecting incoming
21 shipments of food and supplies; inspecting the premises for evidence of pests; and eliminating harborage conditions.

22 ~~(i)(j)~~ Live animals shall be prohibited from entering areas of food preparation, storage, sales, display, or dining. This
23 excludes service animals accompanying persons with disabilities in areas that are not used for food preparation.

24
25
26 *History Note: Authority G.S. 130A-248;*

27 *Adopted Eff. October 1, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1827

DEADLINE FOR RECEIPT: Tuesday, September 12, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), line 4, I take it your regulated public knows what “rodent harborages” and “undrained areas” are?

In (b), do individuals know what these pesticides are?

On line 8, approved by whom?

In (d), are sanitizers considered poisons?

In (e), if not already done elsewhere, please incorporate 40 CFR 180.940 in accordance with 150B-21.6. Specifically, please say where this can be found and the cost.

In (f), line 20, and (g), line 22, what is “in a manner to avoid contamination”? Is this known to your regulated public?

In (f), what is your authority to require that medications be kept in a box that is not accessible to children? That seems to go beyond the charge of the cited statutory authority which relates to the sanitation of lodging establishments. Why not simply state something like “Medications under the control of the permit holder shall be stored in a manner to avoid contamination of food and food contact surfaces”?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

1 15A NCAC 18A .1827 is adopted with changes as published in 31:18 NCR 2341 - 2351 as follows:
2

3 **15A NCAC 18A .1827 PREMISES, STORAGE, POISONOUS OR TOXIC MATERIALS**

4 (a) There shall be no fly or mosquito breeding places, rodent harborages, or undrained areas on the premises. The
5 premises shall free of litter and items unnecessary to the operation or maintenance of the lodging establishment, such
6 as equipment that is nonfunctional or no longer used.

7 (b) Only pesticides that have been registered with the EPA and with the N.C. Department of Agriculture and Consumer
8 Services shall be used and only for the specific use for which they have been approved. Such pesticides shall be used
9 as directed on the label and shall be handled and stored to avoid health hazards. Pesticides shall not be accessible to
10 guests.

11 (c) Household cleaning agents such as bleaches, detergents, and polishes shall be used and stored according to
12 manufacturer's recommendations.

13 (d) Sanitizing solutions shall not be stored in or dispensed from containers previously containing other poisonous or
14 toxic materials.

15 (e) Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements
16 specified in “§ 40 CFR 180.940,” tolerance exemptions for active and inert ingredients for use in antimicrobial
17 formulations (food-contact surface sanitizing solutions). § 40 CFR 180.940 is hereby incorporated by reference,
18 including all subsequent editions and amendments.

19 (f) Medications under the control of the permit holder shall be stored in a ~~separate~~ cabinet, closet, or box not
20 accessible to children and in a manner to avoid contamination of food and food contact surfaces.

21 (g) A storage area shall be provided for building and ground maintenance tools and supplies and stored in a manner
22 to avoid contamination of food and food contact ~~surfaces.~~ surfaces, linen, and single-use articles.
23
24

25 *History Note: Authority G.S. 130A-248;*

26 *Adopted Eff. October 1, 2017.*
27

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1828

DEADLINE FOR RECEIPT: Tuesday, September 12, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (b), line 8, when are lodging establishments required to change bedding or blankets? Is this set forth elsewhere in rule or statute?

In (b), line 9, please change "requirement does not" to "requirement shall not.."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

1 15A NCAC 18A .1828 is adopted with changes as published in 31:18 NCR 2341 - 2351 as follows:
2

3 **15A NCAC 18A .1828 LAUNDRY AND LINENS**

4 (a) Clean bed and bath linen in good repair shall be provided for each guest who is provided accommodations and
5 shall be changed between successive guests.

6 (b) Two sheets shall be provided for each bed. The lower sheet shall be folded under both ends of the mattress. The
7 upper sheet shall be folded under the mattress at the lower end and folded over the ~~cover~~ bedding or blankets for a at
8 least six inches at the top end. If the bedding or blankets are washed between successive guests, the six inch
9 requirement does not apply.

10 (c) Clean linen and supplies shall be stored in cabinets, or on shelves in linen and supply storage rooms. Cabinets,
11 shelves, and storage rooms shall be in good repair and kept clean.

12 (d) Items on housekeeping carts shall be arranged in a manner to prevent cross-contamination between soiled and
13 cleaned items. Housekeeping carts shall be kept clean and stored to protect items from contamination.

14 (e) Soiled laundry shall be handled and stored separately from clean laundry using separate cleanable carts or bags.
15 Carts used for soiled laundry shall be labeled or identified for soiled laundry use only.

16
17 *History Note: Authority G.S. 130A-248;*

18 *Adopted Eff. October 1, 2017.*
19

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1829

DEADLINE FOR RECEIPT: Tuesday, September 12, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), line 4, please note my earlier question regarding the use of “regulatory authority” since G.S.

130A-248(b) states:

(b) No establishment shall commence or continue operation without a permit or transitional permit issued by the Department.

On line 6, after the date of issuance of what? What does the new language on lines 5 through 7 mean? Are you saying that upon issuance, a bed and breakfast shall be allowed 210 days to comply with the certified food protection manager requirements? If so, please say that. Also, what is the correct cross-reference – I don’t think that you mean .1822(3) of this Section.

In (b), line 9, how will the Department know to complete the evaluation? Is there a process by which someone requests it? Also, what are they to determine in this evaluation?

On line 12, define “immediate threat to public health.” Or are you relying upon the term as used in G.S. 130A-248(c)?

(c) If ownership of an establishment is transferred or the establishment is leased, the new owner or lessee shall apply for a new permit. The new owner or lessee may also apply for a transitional permit. A transitional permit may be issued upon the transfer of ownership or lease of an establishment to allow the correction of construction and equipment problems that do not represent an immediate threat to the public health. ... For purposes of this subsection, "transitional permit" shall mean a permit issued upon the transfer of ownership or lease of an existing food establishment to allow the correction of construction and equipment

Amber C. May
Commission Counsel

Date submitted to agency: August 29, 2017

problems that do not represent an immediate threat to the public health.

On line 14, again, how does one receive the permit? Through an application process?

In (c), so that I'm clear, these will be issued as part of the permit? How will it be determined that these are necessary? Will it be based upon the evaluation and the application (assuming that this is part of the process)?

In (c), line 19, please remove "of the following areas:" as this duplicates language on line 18.

Please move the semi-colon in (c)(7) before "or" so that it looks like with for "renovation; or" rather than "renovation, or;"

In (c)(4), line 23, please remove "~~fixtures~~" This language was not published and does not require you to show this change.

What does (c)(6) mean? Does your regulated public know?

In (c)(7), submission to whom? What is the approval process?

In (c)(8), what are these conditions? Are they given on a case-by-case basis? And who determines necessity – the Department?

Please remove the semi-colon at the end of (c)(8).

In (e), line 27, how will this evaluation be triggered, such that it occurs? Is this what is addressed by lines 30-31?

Line 30, what "applicable rules" are you referring to?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 18A .1829 is adopted as published in 31:18 NCR 2341 - 2351 as follows:

2
3 **15A NCAC 18A .1829 PERMITS**

4 (a) No permit for a lodging establishment shall be issued to a person until an evaluation by the regulatory authority
5 shows that the establishment complies with this Section. However, for bed and breakfast homes and inns, the
6 regulatory authority shall allow a period of 210 days after the date of issuance to comply with the certified food
7 protection manager requirements in Rule 1822(3).

8 (b) Upon transfer of ownership of an existing lodging establishment, the regulatory authority shall complete an
9 evaluation. If the lodging establishment satisfies all the requirements of the rules, a permit shall be issued. If the
10 lodging establishment does not satisfy all the requirements of the rules, a permit shall not be issued. A transitional
11 permit shall be issued if the regulatory authority determines that the noncompliant items are construction or equipment
12 problems that do not represent an immediate threat to public health. The transitional permit shall expire 180 days
13 after the date of issuance, unless suspended or revoked before that date, and shall not be renewed. Upon expiration
14 of a transitional permit, the permit holder shall have corrected the noncompliant items and obtained a permit, or the
15 lodging establishment shall not continue to operate.

16 (c) The regulatory authority shall impose conditions on the issuance of a permit or a transitional permit if necessary
17 to ensure that a lodging establishment remains in compliance with this Section. Conditions may be specified for one
18 or more of the following areas:
19 of the following areas:

20 (1) The number of bedrooms or persons housed;

21 (2) The amount of laundry or kitchen and warewashing equipment on the premises;

22 (3) Time schedules in completing minor construction items;

23 (4) Modification or maintenance of water supplies, water use ~~fixtures~~-fixtures, and sanitary sewage
24 systems;

25 (5) Use of facilities for more than one purpose;

26 (6) Continuation of contractual arrangements upon which basis the permit was issued;

27 (7) Submission and approval of plans for renovation, or;

28 (8) Any other conditions necessary for a lodging place to remain in compliance with this Section.;

29 (d) If a permit or transitional permit has been suspended, the suspension shall be lifted if the regulatory authority has
30 evaluated the lodging establishment and found that the violations causing the suspension have been corrected. If a
31 permit or transitional permit has been revoked, a new permit shall be issued only after the regulatory authority has
32 evaluated the lodging establishment and found it to comply with all applicable rules. The evaluations shall be
33 conducted within 15 days after the request is made by the permit holder.

34
35 *History Note: Authority G.S. 130A-248;*

36 *Adopted Eff. October 1, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1830

DEADLINE FOR RECEIPT: Tuesday, September 12, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Again, why are you using “regulatory authority” here when the statute makes it clear the Department is acting?

In (a), line 6 and 11, are you using the words “conspicuous” and “readily visible” to match 130A-249?

On line 8, what “criteria”? Just that it be placed in a conspicuous place that is readily visible to the public?

Also on line 8, once suggested, what happens next? Should there be language like there is on lines 13?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

1 15A NCAC 18A .1830 is adopted as published in 31:18 NCR 2341 - 2351 as follows:

2
3 **15A NCAC 18A .1830 PUBLIC DISPLAY OF GRADE CARD**

4 (a) Upon initial inspection of a lodging establishment or if a renovation or other change in the establishment makes
5 the grade card not visible, the regulatory authority shall designate the location for posting the grade card. The grade
6 card shall be located in a conspicuous place where it may be readily observed by the public upon entering the lodging
7 establishment. If the person in charge of the lodging establishment objects to the location designated by the regulatory
8 authority, then the person in charge may suggest an alternative location that meets the criteria of this Rule.

9 (b) When an inspection of a lodging establishment is made, the regulatory authority shall remove the existing grade
10 card, issue a new grade card, and post the new grade card in the same location where the grade card was previously
11 posted as long as that location remains conspicuous. The person in charge of the lodging establishment shall keep the
12 grade card posted at the designated location at all times. The grade card may be posted in another location that meets
13 the criteria of this Rule if agreed upon by the person in charge and the regulatory authority.

14
15 *History Note: Authority G.S. 130A-248; G.S. 130A-249;*
16 *Adopted Eff. October 1, 2017.*
17

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1831

DEADLINE FOR RECEIPT: Tuesday, September 12, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Again, why are you using “regulatory authority” here when the statute makes it clear the Department is acting?

What is the purpose of (a)? To ensure that your regulated public knows what to expect when the agency comes to inspect? If so, then what do you mean by “purpose” on line 4?

On line 7, you state that if a person in charge is not present, an employee will be invited to accompany on the inspection. But G.S. 130A-249 states:

The person responsible for the management or control of an establishment shall permit the Secretary to inspect every part of the establishment and shall render all aid and assistance necessary for the inspection.

How does having an employee around accompany the inspector work within this statute? Based upon the pertinent statute, it appears as though this is a potential authority issue.

In (b), is this going to be the card in G.S. 130A-249? This could potentially be addressed by providing some additional information as to the purpose of the inspection in (a).

In (b), is this form on line 10 the same as set forth in Paragraph (d)?

In (b)(4), please add periods in front of 1821 and 1834.

How does (d) work? Does the establishment begin with a 100-point score and then points are deducted based upon violations set forth in (d)(1) through (38)? Please provide some additional information for purposes of clarity.

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

Why are the violations not in the order of the Rules that are cited ((d)33 through 38)? It seems like it would make sense to have them in order.

Are the requirements in (d)(1) through (6) in the Food Code? I don't see these specifics in .1822 so it's unclear exactly what the underlying requirement is with this cross-reference.

In (d)(4), line 29, delete or define "proper"

In (d)(6), what is meant by "hands clean and washed"? Is this separated out from personal cleanliness in the food code?

Are the requirements in (d)(7), (8) and (10) through (13) in the Food Code? I don't see them in .1823 so it's unclear exactly what the underlying requirement is with this cross-reference.

In (d)(8), please change "separated, protected" to "separated and protected"?

In (d)(9), line 4, is this a reference to .1823(c)? Please consider adding the Paragraph in the cross-reference.

In (d)(14), line 12 and (d)(18), line 20, please note my earlier question regarding whether "nonfood" is one word or two.

Also, are (d)(14) and (d)(23) in the Food Code? I don't see this in .1824 so it's unclear what the requirement is based upon this cross-reference.

In (d)(24), please delete or define "properly"

In (d)(26), please delete "2" and "p" and in (d)(17), please delete "3" as this language was not published.

On line 26, what do you mean by "alphabetical grade"? Is this the grade mentioned in G.S. 130A-248(a3)?

The rules shall contain a system for grading establishments, such as Grade A, Grade B, and Grade C. The rules shall be written in a manner that promotes consistency in both the interpretation and application of the grading system.

Or is this what is contemplated in Rule .1832? If so, do you wish to insert a cross-reference here?

In (e), please note my earlier questions regarding "regulatory authority"

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road,
Raleigh, North Carolina 27609.

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

1 15A NCAC 18A .1831 is adopted with changes as published in 31:18 NCR 2341 - 2351 as follows:
2

3 **15A NCAC 18A .1831 INSPECTIONS AND REINSPECTIONS**

4 (a) Upon entry into a lodging establishment, the regulatory authority shall provide identification and the purpose in
5 visiting that establishment. The regulatory authority shall inquire as to the identity of the person in charge and invite
6 the person in charge to accompany the regulatory authority during the inspection. If no employee is identified as the
7 person in charge, the regulatory authority shall invite an employee to accompany them on the inspection. Following
8 the inspection, the regulatory authority shall offer to review the results of the inspection with the person in charge or
9 employee, as applicable.

10 (b) The grading of lodging establishments shall be conducted using an inspection form furnished by the regulatory
11 authority. The form shall provide the following information:

- 12 (1) The name and mailing address of the lodging establishment;
- 13 (2) The name of the permit holder;
- 14 (3) The permit status and score given;
- 15 (4) Standards of construction and operation as listed in Rules 1821 through 1834 of this Section.
- 16 (5) An explanation for all points deducted;
- 17 (6) The signature of the regulatory authority; and
- 18 (7) The date.

19 (c) The grading of lodging establishments shall be based on the standards of operation and construction as set forth
20 in Rules .1821 through .1834 of this Section.

21 (d) The Inspection of Lodging Establishment form shall be used to document points assessed for violation of the rules
22 of this Section as follows:

- 23 (1) Violation of Rule .1822 of this Section related to person in charge present, certification by accredited
24 program or performs duties shall equal no more than 2 points.
- 25 (2) Violation of Rule .1822 of this Section related to management awareness, policy present, and allergy
26 awareness shall equal no more than 2 points.
- 27 (3) Violation of Rule .1822 of this Section related to proper use of reporting, restriction, and exclusion
28 shall equal no more than 2 points.
- 29 (4) Violation of Rule .1822 of this Section related to proper eating, tasting, drinking, or tobacco use
30 shall equal no more than 1 point.
- 31 (5) Violation of Rule .1822 of this Section related to personal cleanliness and hair restraints shall equal
32 no more than 1 point.
- 33 (6) Violation of Rule .1822 of this Section related to hands clean and washed shall equal no more than
34 4 points.
- 35 (7) Violation of Rule .1823 of this Section related to food obtained from approved source, good
36 condition, safe, and unadulterated shall equal no more than 3 points.
- 37 (8) Violation of Rule .1823 of this Section related to food separated, protected from contamination shall
38 equal no more than 3 points.

- (9) Violation of Rule .1823 of this Section related to food protected from environmental or other sources of contamination, including proper dispensing of ice, shall equal no more than 3 points.
- (10) Violation of Rule .1823 of this Section related to cooking/reheating temperatures shall equal no more than 3 points.
- (11) Violation of Rule .1823 of this Section related to proper cooling and approved methods shall equal no more than 3 points.
- (12) Violation of Rule .1823 of this Section related to cold/hot holding temperatures shall equal no more than 3 points.
- (13) Violation of Rule .1823 of this Section related to date marking shall equal no more than 3 points.
- (14) Violation of Rule .1824 of this Section related to equipment, food and nonfood-contact surfaces approved, cleanable, properly designed, constructed and used shall equal no more than 1 point.
- (15) Violation of Rule .1824 of this Section related to utensils, equipment properly stored, dried and handled shall equal no more than 1 point.
- (16) Violation of Rule .1824 of this Section related to warewashing facilities installed, maintained and used shall equal no more than 2 points.
- (17) Violation of Rule 1824 of this Section related to food-contact surfaces cleaned and sanitized where required shall equal no more than 3 points.
- (18) Violation of Rule .1824 of this Section related to nonfood-contact surfaces clean shall equal no more than 1 point.
- (19) Violation of Rule .1824 of this Section related to single-use articles properly stored and used shall equal no more than 1 point.
- (20) Violation of Rule 1824 of this Section related to temperature measuring devices provided shall equal no more than 2 points.
- (21) Violation of Rules .1825 and .1826 of this Section related to handwashing sinks supplied and accessible shall equal no more than 2 points.
- (22) Violation of Rule .1825 of this Section related to water from approved ~~source~~-source, backflow prevention, plumbing in good repair shall equal no more than 4 points.
- (23) Violation of Rule .1825 related to service sink or other approved method and mop storage shall equal no more than 2 points.
- (24) Violation of Rule .1825 of this Section related to sewage and waste water properly disposed shall equal no more than 4 points.
- (25) Violation of Rule .1826 of this Section related to ventilation and lighting requirements shall equal no more than 2 points.
- (26) Violation of Rule .1826 of this Section related to ~~window coverings~~ furnishings clean and in good repair shall equal no more than ~~2~~ 4 p points.
- (27) Violation of Rule .1826 of this Section related to physical facilities installed, maintained and clean shall equal no more than ~~3~~ 4 points.

- 1 (28) Violation of Rule .1826 of this Section related to insects and rodents ~~not~~ present shall equal no more
2 than 4 points.
- 3 (29) Violation of Rule .1828 of this Section related to linens changed as required shall equal no more
4 than 3 points.
- 5 (30) Violation of Rule .1828 of this Section related to linen clean and in good repair shall equal no more
6 than ~~3~~ 4 points.
- 7 (31) Violation of Rule .1828 of this Section related to linen properly handled and stored shall equal no
8 more than 3 points.
- 9 (32) Violation of Rule .1828 of this Section related to housekeeping carts shall equal no more than ~~3~~ 4
10 points.
- 11 (33) Violation of Rule .1825 of this Section related to garbage and refuse properly disposed shall equal
12 no more than 2 points.
- 13 (34) Violation of Rule .1827 of this Section related to premises maintained to prevent breeding and
14 harborages shall equal no more than ~~2~~ 3 points.
- 15 (35) Violation of Rule .1827 of this Section related to storage areas maintained clean, provided for
16 maintenance equipment shall equal no more than 3 points.
- 17 (36) Violation of Rule .1827 of this Section related to approved pesticide use shall equal no more than ~~2~~
18 3 points.
- 19 (37) Violation of Rule .1827 of this Section related to household cleaning agents, sanitizers, and
20 medicines properly stored and handled shall equal no more than 3 points.
- 21 (38) Violation of Rule .1827 of this Section related to premises kept neat and clean shall equal no more
22 than 2 points.
- 23 (e) Upon request of the permit holder or his or her representative a reinspection shall be made. In the case of
24 establishments that request an inspection for the purpose of raising the alphabetical grade, and that hold unrevoked
25 permits, the regulatory authority shall make an unannounced inspection within 15 days from the date of the request.
- 26

27 *History Note: Authority G.S. 130A-248; G.S. 130A-249;*
28 *Adopted Eff. October 1, 2017.*
29

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1832

DEADLINE FOR RECEIPT: Tuesday, September 12, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), line 4, I take it the system of scoring is what is in Rule .1831? If so, please provide a cross-reference to .1831.

In (a), line 6, please delete "at least" since (a)(1) through (a)(3) provides the ranges and "at least" does not seem to be applicable to (a)(1) through (a)(3).

In (a)(1), should it be "90 percent or more"?

Should lines 10-11 be its own Paragraph? It appears as though it should. If so please label it as such.

Why isn't Paragraph (b) in Rule .1830? It seems to belong there.

On line 12, how is this approved? Isn't it issued by the State, so is "approval" necessary? If it is issued by the State, why not just say "the grade card issued by the Department shall be posted" or something of the like.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

1 15A NCAC 18A .1832 is adopted as published in 31:18 NCR 2341 - 2351 as follows:
2
3

4 **15A NCAC 18A .1832 GRADING**

5 (a) The grading of lodging establishments shall be based on a system of scoring. A lodging establishment that earns
6 a score of at least:

7 (1) 90 percent shall receive a grade A;

8 (2) 80 percent and less than 90 percent shall receive a grade B;

9 (3) 70 percent and less than 80 percent shall receive a grade C.

10 Permits shall be immediately revoked in accordance with G.S. 130A-23(d) for lodging establishments receiving a
11 score of less than 70 percent.

12 (b) The posted grade card shall be black on a white background. All graphics, letters, and numbers for the grade card
13 shall be approved by the State. The alphabetical and numerical rating shall be 1.5 inches in height.

14
15 *History Note: Authority G.S. 130A-248; G.S. 130A-249;*

16 *Adopted Eff. October 1, 2017.*
17

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1833

DEADLINE FOR RECEIPT: Tuesday, September 12, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), line 4, is the approval process of the local health department entirely within their discretion when it is appropriate for them to conduct the approval?

So that I'm clear – Paragraph (a) requires review by the local health department. But G.S. 130A-248(e) speaks to Department review of some places. Is this Paragraph intended to exclude those? Please clarify the process in the Rule.

(e) In addition to the fees under subsection (d) of this section, the Department may charge a fee of two hundred fifty dollars (\$250.00) for plan review of plans for prototype franchised or chain facilities for food establishments subject to this section. All of the fees collected under this subsection may be used to support the State food, lodging, and institution sanitation programs and activities under this Part.

(e1) Plans for a franchised or chain food establishment that have been reviewed and approved by the Department shall not require further review and approval under this section by any local health department. The local health department may suggest revisions to a reviewed and approved plan to the Department. The local health department shall not impose any of the suggestion revisions on the owner or operator without written approval from the Department.

In (b), line 8, please note my earlier questions regarding “regulatory authority” because here, you mean to the Department, right?

In (c)(3), line 15, delete or define “directly” Do you mean the person in charge? If so, please use that term since it is defined.

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

In (c)(4)(A), (4)(B), and (4)(C), is “potentially hazardous” being defined as “time/temperature control for food safety”? If not, please define the term. If so, what does this term mean? Is it in the Food Code?

So that I’m clear – between (c)(5)(A) and (C), is there any other type? One that doesn’t serve or prepare any food?

What does “menu” mean? The menu for every day? Or just a general overview of it?

In (c)(6), what information is this? Is it to ensure compliance with Rule .1825 of this Section?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 18A .1833 is adopted as published in 31:18 NCR 2341 - 2351 as follows:
2

3 **15A NCAC 18A .1833 APPLICATION AND PLAN REVIEW**

4 (a) Plans drawn to scale for new lodging establishments shall be submitted for review and approval to the local health
5 department prior to initiating construction, or prior to construction of additions or renovations, excluding cosmetic or
6 nonstructural changes to existing lodging establishments.

7 (b) An applicant shall submit an application for a permit or transitional permit at least 30 days before the date planned
8 for opening the lodging establishment. The applicant shall submit to the regulatory authority a written application for
9 a permit on a form provided by the regulatory authority.

10 (c) The application form shall include:

11 (1) The name, mailing address, telephone number, and signature of the person applying for the permit
12 and the name, mailing address, and location of the lodging establishment;

13 (2) Information specifying whether the lodging establishment is owned by an association, corporation,
14 individual, partnership, or other legal entity;

15 (3) The name, title, address, and telephone number of the person directly responsible for the lodging
16 establishment;

17 (4) A statement specifying the number of guest rooms or units and whether the lodging establishment
18 is an operation that includes one or more of the following:

19 (A) Prepares, or serves potentially hazardous food (time/temperature control for safety food)
20 for guests;

21 (B) Prepares only food that is not potentially hazardous (time/temperature control for safety
22 food) for guests;

23 (C) Does not prepare, but serves only prepackaged food that is not potentially hazardous
24 (time/temperature control for safety food) for guests;

25 (5) Number and type of meals served, and the menu;

26 (6) Source of water supply and wastewater disposal; and

27 (7) A statement signed by the applicant that attests to the accuracy of the information provided in the
28 application.

29
30 *History Note: Authority G.S. 130A-248;*

31 *Adopted Eff. October 1, 2017.*
32

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .1834

DEADLINE FOR RECEIPT: Tuesday, September 12, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please note my earlier questions regarding “regulatory authority.”

In (a), line 4, what do you mean by “interpretation” and “application”? How are they different from “enforcement”?

In (a)(1), so that I’m clear – the informal review must include both the local and State level review in (d) and (e), unless terminated in accordance with Paragraph (c)?

In (b), line 8, what is the “alternative dispute resolution” you are referring to? If it is the “informal review” set forth here, please state that. If it is some other type (perhaps the settlement contemplated in G.S.150B-22), please state what you are referring to.

In (d), lines 14 through 16, please clarify this language. Who is conducting the review here? If the intent is to say that if a Supervisor is conflicted out, the Regional Specialist will conduct the informal review, I think it can be clarified. Currently, it the Rule does not say who will conduct the review if the these situations do not occur.

In (d), and (e), line 32-33, what do you mean by “shall be binding for the purposes of future inspections”?

In (d), line 21, and (e), line 34, how and under what circumstances will the State Health Director modify these decisions? Guidance on this needs to be in Rule.

In (d)(3), to what “appeal” is being referred? Is this the informal review request? Please be consistent.

In (d), line 21, did you intend to keep “mailed”? Please remember that words cannot be both stricken through and underlined.

Amber C. May

Commission Counsel

Date submitted to agency: August 29, 2017

In (e), line 22, how can a “representative” of the Supervisor do this? You do not provide any authority for this delegation in (e). Are you saying that a Regional Specialist will be the representative?

On line 27, I take it the permit holder will have the address of the Department?

On line 30, please delete “(a)” as this was not published language.

What is the purpose of Paragraph (h) on Page 2?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 18A .1834 is adopted with changes as published in 31:18 NCR 2341 - 2351 as follows:
2

3 **15A NCAC 18A .1834 INFORMAL REVIEW PROCESS AND APPEALS PROCEDURE**

4 (a) If a permit holder disagrees with a decision of the local health department on the interpretation, application, or
5 enforcement of the rules of this Section the permit holder may:

6 (1) Request an informal review pursuant to Paragraphs (d) and (e) of this Rule; or

7 (2) Initiate a contested case in accordance with G.S. 150B.

8 (b) The permit holder is not required to complete the alternative dispute resolution prior to initiating a contested case
9 in accordance with G.S. 150B.

10 (c) When a petition for a contested case is filed, the informal review process shall terminate.

11 (d) If the permit holder requests an informal review, the request shall be in writing and shall be postmarked or hand
12 delivered to the local health department within seven days of notice of the decision giving rise to the review. The
13 request shall state the issues in dispute. If the inspection giving rise to the informal review was conducted by the
14 Environmental Health Supervisor in the county or area where the lodging establishment is located, or when the county
15 or area has only one Registered Environmental Health Specialist assigned to inspect lodging establishments, the
16 Environmental Health Regional Specialist assigned to that county or area shall conduct the local informal review. As
17 soon as possible, but no later than 30 days of receipt of the request, the person conducting the review shall:

18 (1) Contact the permit holder;

19 (2) Provide that permit holder an opportunity to be heard on the issues in dispute; and

20 (3) Issue a written decision addressing the issues raised in the appeal.

21 Copies of the decision shall be mailed ~~mailed-delivered~~ by the local health department to the permit holder and to the
22 State Health Director. That decision shall be binding for the purposes of future inspections of the establishment in
23 question unless modified pursuant to Paragraph (e) of this Rule or by the State Health Director.

24 (e) Following receipt of the written decision of the Environmental Health Supervisor or his or her representative
25 issued pursuant to Paragraph (d) of this Rule, the permit holder who initiated the informal review may appeal the
26 resulting decision to an Informal Review Officer designated by the Department as responsible for final decisions on
27 appeals from throughout the State. Notice of the appeal shall be in writing, shall include a copy of the Environmental
28 Health Supervisor's or his or her representative's decision, and shall be postmarked or hand-delivered to the local
29 health department and to the Department within seven days of receipt of the written decision issued pursuant to
30 Paragraph ~~(a)~~ (d) of this Rule. Within 35 days of receipt of this appeal, the designated Informal Review Officer shall
31 hold a conference in Wake County. At least 10 days prior to the conference, the Informal Review Officer shall provide
32 notice of the time and place of this conference to the permit holder and the Environmental Health Supervisor for the
33 county or area where the issue arose. Within 10 days following the date of the conference, the Informal Review Officer
34 shall issue a written decision addressing the issues raised in the appeal and that decision shall be binding for purposes
35 of future inspections of the establishment in question unless modified pursuant to Paragraph (g) of this Rule or by the
36 State Health Director.

37 (f) If the decision on appeal at the local or State level results in a change in the score resulting from an inspection of
38 an establishment, the regulatory authority shall post a new grade card reflecting that new score.

1 (g) Appeals of the decision of the designated Informal Review Officer shall be in accordance with G.S. 150B.

2 (h) Nothing in this Rule shall impact the right of a permit holder to a reinspection pursuant to Rule .1831 of this
3 Section.

4
5 *History Note: Authority G.S. 130A-4; G.S. 130A-6; G.S. 130A-248;*

6 *Adopted Eff. October 1, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .2201-.2221

DEADLINE FOR RECEIPT: Friday, May 12, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please combine Rules .2201-.2221 in accordance with 26 NCAC 02C .0406 and combine the History Notes since all of these Rules have the same original effective date. Please note that the electronic versions filed of these Rules do have the repeals combined; however, the History Note was missing dates. Only one form is necessary for these repeals.

Please update the publication edition and page numbers to show the June 1, 2017 publication date (31:23) and the pertinent page number for the rules.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

1 15A NCAC 18A .2201 – .2221 is repealed as published in 31:18 NCR 2341 - 2351 as follows:

3 **SECTION .2200 - SANITATION OF BED AND BREAKFAST HOMES**

5 **15A NCAC 18A .2201 DEFINITIONS**

6 **15A NCAC 18A .2202 PERMITS**

7 **15A NCAC 18A .2203 INSPECTIONS: VISITS: POSTING OF GRADE CARD**

8 **15A NCAC 18A .2204 INSPECTION FORMS**

9 **15A NCAC 18A .2205 GRADING**

10 **15A NCAC 18A .2206 FLOORS**

11 **15A NCAC 18A .2207 WALLS AND CEILINGS**

12 **15A NCAC 18A .2208 LIGHTING AND VENTILATION**

13 **15A NCAC 18A .2209 TOILET: HANDWASHING: LAUNDRY: AND BATHING FACILITIES**

14 **15A NCAC 18A .2210 WATER SUPPLY**

15 **15A NCAC 18A .2211 DRINKING WATER FACILITIES: ICE HANDLING**

16 **15A NCAC 18A .2212 DISPOSAL OF WASTES**

17 **15A NCAC 18A .2213 VERMIN CONTROL: PREMISES**

18 **15A NCAC 18A .2214 STORAGE: MISCELLANEOUS**

19 **15A NCAC 18A .2215 BEDS: LINEN: FURNITURE**

20 **15A NCAC 18A .2216 FOOD SERVICE UTENSILS AND EQUIPMENT**

21 **15A NCAC 18A .2217 FOOD SUPPLIES**

22 **15A NCAC 18A .2218 FOOD PROTECTION**

23 **15A NCAC 18A .2219 FOOD SERVICE PERSONS**

24 **15A NCAC 18A .2220 SEVERABILITY**

25 **15A NCAC 18A .2221 APPEALS PROCEDURE**

27 *Authority G.S. 130A-250;*

1 **SECTION .2200 - SANITATION OF BED AND BREAKFAST HOMES**

2
3 15A NCAC 18A .2201 is repealed as published in 31:18 NCR 2342 - 2351 as follows:

4
5 **15A NCAC 18A .2201 DEFINITIONS**

6
7 *History Note: Authority G.S. 130A-250;*

8 *Eff. April 1, 1984;*

9 *Amended Eff. November 1, 2006; November 1, 2002; ~~September 1, 1999~~; September 1, 1990;*

10 *Repealed Eff. October 1, 2017.*

1 15A NCAC 18A .2202 is repealed as published in 31:18 NCR 2341 – 2351 as follows:
2

3
4 **15A NCAC 18A .2202 PERMITS**
5

6 *History Note:* Authority G.S. 130A-250;
7 Eff. April 1, 1984;
8 Amended Eff. April 1, 1992; March 1, 1988, March 1, 1988;
9 Repealed Eff. October 1, 2017.

1 15A NCAC 18A .2203 is repealed as published in 31:18 NCR 2341 – 2351 as follows:
2

3 **15A NCAC 18A .2203 INSPECTIONS: VISITS: POSTING OF GRADE CARD**
4

5 *History Note:* Authority G.S. 130A-250;
6 Eff. April 1, 1984;
7 ~~Amended Eff. July 1, 1986, July 1, 1986;~~
8 ~~Repealed Eff. October 1, 2017.~~

1 15A NCAC 18A .2204 – 2206 are repealed as published in 31:18 NCR 2341 – 2351 as follows:

2

3 **15A NCAC 18A .2204 INSPECTION FORMS**

4 **15A NCAC 18A .2205 GRADING**

5 **15A NCAC 18A .2206 FLOORS**

6

7 *History Note: Authority G.S. 130A-250;*

8 *Eff. April 1, 1984, April 1, 1984;*

9 *Repealed Eff. October 1, 2017.*

1 15A NCAC 18A .2207 is repealed as published in 31:18 NCR 2341 – 2351 as follows:
2

3 15A NCAC 18A .2207 WALLS AND CEILINGS
4

5 *History Note:* Authority G.S. 130A-250;
6 *Eff. ~~April 1, 1984~~, April 1, 1984;*
7 *Repealed Eff. October 1, 2017.*

1 15A NCAC 18A .2208 is repealed as published in 31:18 NCR 2341 – 2351 as follows:
2

3 **15A NCAC 18A .2208 LIGHTING AND VENTILATION**
4

5 *History Note:* Authority G.S. 130A-250;
6 Eff. April 1, 1984;
7 Amended Eff. ~~September 1, 1990~~, September 1, 1990;
8 Repealed Eff. October 1, 2017.

1 15A NCAC 18A .2209 is repealed as published in 31:18 NCR 2341 – 2351 as follows:
2

3 **15A NCAC 18A .2209 TOILET: HANDWASHING: LAUNDRY: AND BATHING FACILITIES**
4

5 *History Note:* Authority G.S. 130A-250;
6 *Eff. ~~April 1, 1984~~, April 1, 1984;*
7 *Repealed Eff October 1, 2017.*

1 15A NCAC 18A .2210 is repealed as published in 31:18 NCR 2341 – 2351 as follows:
2

3 15A NCAC 18A .2210 WATER SUPPLY
4

5 *History Note:* Authority G.S. 130A-250;
6 Eff. April 1, 1984;
7 Amended Eff. August 1, 1991; ~~July 1, 1986~~, July 1, 1986;
8 Repealed Eff. October 1, 2017.

1 15A NCAC 18A .2211 is repealed as published in 31:18 NCR 2341 – 2351 as follows:

2

3 **15A NCAC 18A .2211 DRINKING WATER FACILITIES: ICE HANDLING**

4

5 *History Note: Authority G.S. 130A-250;*

6 *Eff. ~~April 1, 1984~~, April 1, 1884;*

7 *Repealed Eff. October 1, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .3001-.3016

DEADLINE FOR RECEIPT: Friday, May 12, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please combine Rules .3001-.3016 in accordance with 26 NCAC 02C .0406 and combine the History Notes since all of these Rules have the same original effective date. Please note that the electronic versions filed of these Rules do have the repeals combined; however, the History Note was missing dates. Only one form is necessary for these repeals.

Please update the publication edition and page numbers to show the June 1, 2017 publication date (31:23) and the pertinent page number for the rules.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber C. May
Commission Counsel
Date submitted to agency: August 29, 2017

1 **SECTION .3000 - BED AND BREAKFAST INNS**
2

3 15A NCAC 18A .3001 is repealed as published in 31:18 NCR 2341 – 2351 as follows:
4

5 **15A NCAC 18A .3001 DEFINITIONS**
6

7 *History Note:* *Authority G.S. 130A-248;*
8 *Eff. July 1, 1992;*
9 *Amended Eff. ~~November 1, 2002~~, November 1, 2002;*
10 *Repealed Eff. October 1, 2017.*
11

1 15A NCAC 18A .3002 -.3005 are repealed as published in 31:18 NCR 2341 – 2351 as follows:

2
3 **15A NCAC 18A .3002 PERMITS**

4 **15A NCAC 18A .3003 INSPECTIONS: VISITS: POSTING OF GRADE CARDS**

5 **15A NCAC 18A .3004 INSPECTION FORMS**

6 **15A NCAC 18A .3005 GRADING**

7
8 *History Note: Authority G.S. 130A-248;*

9 *Eff. ~~July 1, 1992~~, July 1, 1992;*

10 *Repealed Eff. October 1, 2017.*

1 15A NCAC 18A .3006 is repealed as published in 31:18 NCR 2341 – 2351 as follows:
2

3 **15A NCAC 18A .3006 FOOD SOURCES AND PROTECTION**
4

5 *History Note:* Authority G.S. 130A-248;
6 Eff. July 1, 1992;
7 Amended Eff. ~~October 1, 1993~~, October 1, 1993;
8 Repealed Eff. October 1, 2017.

1 15A NCAC 18A .3007 is repealed as published in 31:18 NCR 2341 – 2351 as follows:
2

3 15A NCAC 18A .3007 FOOD SERVICE PERSONS
4

5 *History Note:* Authority G.S. 130A-248;
6 *Eff. ~~July 1, 1992.~~ July 1, 1992;*
7 *Repealed Eff. October 1, 2017.*

1 15A NCAC 18A .3008 is repealed as published in 31:18 NCR 2341 – 2351 as follows:
2

3 **15A NCAC 18A .3008 FOOD SERVICE UTENSILS AND EQUIPMENT AND THEIR CLEANING**
4

5 *History Note:* Authority G.S. 130A-248;
6 Eff. July 1, 1992;
7 Amended Eff. ~~July 1, 1993~~, July 1, 1993;
8 Repealed Eff. October 1, 2017.

1 15A NCAC 18A .3009 - .3016 are repealed as published in 31:18 NCR 2341 – 2351 as follows:

2
3 **15A NCAC 18A .3009 LAVATORIES AND BATHROOMS**

4 **15A NCAC 18A .3010 WATER SUPPLY**

5 **15A NCAC 18A .3011 DRINKING WATER FACILITIES**

6 **15A NCAC 18A .3012 BEDS: LINEN**

7 **15A NCAC 18A .3013 VERMIN CONTROL: PREMISES**

8 **15A NCAC 18A .3014 STORAGE: MISCELLANEOUS**

9 **15A NCAC 18A .3015 FLOORS: WALLS: CEILINGS: LIGHTING: VENTILATION**

10 **15A NCAC 18A .3016 DISPOSAL OF GARBAGE AND TRASH**

11
12 *History Note: Authority G.S. 130A-248;*

13 *Eff. ~~July 1, 1992~~, July 1, 1992;*

14 *Repealed Eff. October 1, 2017.*

1 15A NCAC 18A .3009 is repealed as published in 31:18 NCR 2341 – 2351 as follows:
2

3 **15A NCAC 18A .3009 LAVATORIES AND BATHROOMS**
4

5 *History Note:* Authority G.S. 130A-248;
6 *Eff. ~~July 1, 1992~~, July 1, 1992;*
7 *Repealed Eff. October 1, 2017.*

1 15A NCAC 18A .3010 is repealed as published in 31:18 NCR 2341 – 2351 as follows:
2

3 **15A NCAC 18A .3010 WATER SUPPLY**
4

5 *History Note:* Authority G.S. 130A-248;
6 *Eff. ~~July 1, 1992~~, July 1, 1992;*
7 *Repealed Eff. October 1, 2017.*

1 15A NCAC 18A .3011 is repealed as published in 31:18 NCR 2341 – 2351 as follows:
2

3 **15A NCAC 18A .3011 DRINKING WATER FACILITIES**
4

5 *History Note:* Authority G.S. 130A-248;
6 *Eff. ~~July 1, 1992~~, July 1, 1992;*
7 *Repealed Eff. October 1, 2017.*

1 15A NCAC 18A .3012 is repealed as published in 31:10 NCR 966-974 as follows:

2

3 **15A NCAC 18A .3012 BEDS: LINEN**

4

5 *History Note: Authority G.S. 130A-248;*

6 *Eff. July 1, 1992.*

1 15A NCAC 18A .3013 is repealed as published in 31:10 NCR 966-974 as follows:

2

3 **15A NCAC 18A .3013 VERMIN CONTROL: PREMISES**

4

5 *History Note: Authority G.S. 130A-248;*

6 *Eff. July 1, 1992.*

1 15A NCAC 18A .3014 is repealed as published in 31:10 NCR 966-974 as follows:

2

3 **15A NCAC 18A .3014 STORAGE: MISCELLANEOUS**

4

5 *History Note: Authority G.S. 130A-248;*

6 *Eff. July 1, 1992.*

1 15A NCAC 18A .3015 is repealed as published in 31:10 NCR 966-974 as follows:

2

3 **15A NCAC 18A .3015 FLOORS: WALLS: CEILINGS: LIGHTING: VENTILATION**

4

5 *History Note: Authority G.S. 130A-248;*

6 *Eff. July 1, 1992.*

1 15A NCAC 18A .3016 is repealed as published in 31:10 NCR 966-974 as follows:

2

3 **15A NCAC 18A .3016 DISPOSAL OF GARBAGE AND TRASH**

4

5 *History Note: Authority G.S. 130A-248;*

6 *Eff. July 1, 1992.*