

10A NCAC 46 .0213 is proposed for amendment as follows:

10A NCAC 46 .0213 FOOD, LODGING/INST SANITATION/PUBLIC SWIMMING POOLS/SPAS

(a) A local health department shall provide food, lodging, and institutional sanitation and public swimming pools and spas services within the jurisdiction of the local health department. A local health department shall establish, implement, and maintain written policies which shall include:

- (1) The frequency of inspections of food, lodging, and institutional facilities and public swimming pools and spas with the following being the minimum:

Type of Establishment	Frequency Per Fiscal Year (July 1 – June 30)
Adult Day Service Facilities	1/year
Bed and breakfast homes	1/year
Bed and breakfast inns	1/6 months
Child day-care facilities	1/6 months
Food Service Establishments	
Risk Category I	1/year
Risk Category II	1/6 months
Risk Category III	1/4 months
Risk Category IV	1/3 1/4 months
Institutions	1/6 months
Local confinement facilities	1/year
Lodging	1/year
Migrant housing water and sewage evaluation	1/year
Primitive Experience Camps	
Operating 6 months or less per year	1/year
Operating more than 6 months per year	1/6 months
Private boarding schools and colleges	1/year
Public swimming pools and spas which operate only between April 1 and October 31 each year	1/operational season
Public swimming pools and spas which operate at times other than between April 1 and October 31 each year	2/year
Residential care facilities	1/year
Schools	1/year
Summer camps	1/year
Tattoo Artists	1/year

1 Risk Category I applies to food service establishments that prepare only non-potentially hazardous
2 foods.

3 Risk Category II applies to food service establishments that cook and cool no more than two
4 potentially hazardous foods. Potentially hazardous raw ingredients shall be received in a ready-to-
5 cook form.

6 Risk Category III applies to food service establishments that cook and cool no more than three
7 potentially hazardous foods.

8 Risk Category IV applies to food service establishments that cook and cool an unlimited number of
9 potentially hazardous foods. This category also includes those facilities using specialized processes
10 or serving a highly susceptible population.

11 (2) An educational visit for Risk Category IV food establishments once per fiscal year. The educational
12 visit shall not result in the issuance of a new grade or grade card. During an educational visit, the
13 local health department shall review all of the following with the permit holder for the establishment:

14 (A) Violation of any priority item or priority foundation item, as defined by Part 1-201.10 of
15 the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A
16 NCAC 18A .2651, that occurred during the three previous inspections;

17 (B) The five major risk factors contributing to foodborne illness as set out in the Preface of the
18 Food Code incorporated by reference at 15A NCAC 18A .2650 and identified on the
19 inspection form furnished by the regulatory authority as described in 15A NCAC 18A
20 .2661(b); and

21 (C) If applicable, any Hazard Analysis and Critical Control Point Plan or HACCP Plan, as
22 defined by Part 1-201.10(B) of the Food Code incorporated by reference at 15A NCAC
23 18A .2650 as amended by 15A NCAC 18A .2651.

24 ~~(2)(3)~~ Provisions for investigating complaints and suspected outbreaks of illness associated with food,
25 lodging, and institutional facilities, and public swimming pools. Corrective actions shall be taken
26 in cases of valid complaints and confirmed outbreaks of illness.

27 ~~(3)(4)~~ Provisions for keeping records of activities described in Subparagraphs (1), (2), and (3) ~~(1) and (2)~~
28 of this Paragraph.

29 (b) A local health department shall establish, implement, and maintain written policies for the provision of sanitation
30 education for food service personnel and orientation and in-service training for Environmental Health Specialists. The
31 policies shall include the following requirements for Environmental Health Specialists providing food, lodging, and
32 institutional sanitation services:

33 (1) Completion of the centralized training course provided by the Division for newly employed
34 Environmental Health Specialists;

35 (2) Compliance with Delegation of Authority as stated in 15A NCAC 01O .0100; and

36 (3) Compliance with the Board of Sanitarian Examiners' requirements.
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1 *History Note:* *Authority G.S. 130A-4(b); 130A-9; S.L. 2023-137;*
2 *Eff. October 1, 1984;*
3 *Amended Eff. March 1, 1988; December 1, 1987; October 1, 1986;*
4 *Transferred and Recodified from 10 NCAC 12 .0239 Eff. April 4, 1990;*
5 *Amended Eff. August 1, 2007; May 1, 1996; July 1, 1993; October 1, 1992; December 1, 1991;*
6 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5,*
7 *2016.*