



North Carolina Department of Health and Human Services
Division of Public Health

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POSITION STATEMENT: Expanded Food Service for Pushcarts or Mobile Food Units

PURSUANT TO: Senate Bill 7 (S.L. 2015-104), N.C.G.S. 130A-248(c1)

SOURCE: Cindy R. Callahan, REHS
Head, Food Protection and Facilities Branch

QUESTION: What are the requirements that must be in place for a pushcart or mobile food unit to expand their food service, what type of foods are allowed to be prepared and served, and what type of food protection must be provided?

DISCUSSION AND RATIONALE:

Senate Bill 7 (S.L. 2015-104) amended N.C.G.S. 130-248(c1) to allow pushcarts or mobile food units that are based from a permitted commissary or restaurant that is located on the premises of a facility which contains at least 3,000 permanent seats to prepare and serve food on the premises. Raw meat, poultry, and fish shall be prepared in a permitted commissary or restaurant in a pre-portioned or ready-to-cook form. Pushcarts or mobile food units that handle raw ingredients shall be equipped with a handwashing sink. All open food and utensils shall be provided with overhead protection or otherwise equipped with individual covers, such as domes, chafing lids, or cookers with hinged lids. Food equipment and supplies shall be located in enclosed areas and protected from environmental contamination when not in operation.

RESPONSE / INTERPRETATION:

1. In order for a pushcart or a mobile food unit to expand their food service, the pushcart or mobile food unit must operate in conjunction with a permitted commissary on the premises of a facility which contains at least 3,000 permanent seats. This includes facilities such as stadiums, arenas, and pavilions that have a minimum of 3,000 permanent seats.
2. Raw meat, poultry, and fish must be prepared in the permitted food establishment or commissary and the food prepared and served from the pushcart or mobile food must be in a pre-portioned or ready-to-cook form. For example, hamburger patties could be prepared in the commissary then cooked and served from the pushcart or mobile food unit. If the hamburger patties are raw, the pushcart or mobile food unit must be equipped with a handwashing sink. If the hamburger patties are pre-cooked in the food establishment or commissary, a handwashing sink is not required.
3. Pushcarts or mobile food units that handle raw ingredients shall be equipped with a handwashing sink. The handwashing sink must meet the requirements in Sections 5-202.12, 6-301.11, 6-301.12, 6-301.14 of the NC Food Code.
4. If the pushcart requires a handwashing sink, it isn't necessary to require the sewage holding tank to be sized 15 percent larger in capacity than the water supply tank. The handwashing sink is the only one water-using

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fixture. Water entering the sewage holding tank will only come from the handwashing sink's water supply tank, therefore, it is not possible for the sewage holding tank to over-fill. It is allowable for the two tanks to be the same size. A mobile food unit must comply with 15A NCAC 18A .2672(f).

5. All open food and utensils shall be protected either by overhead protection or otherwise equipped with individual covers. Overhead protection must comply with the requirements in Section 6-202.16 of the NC Food Code. Examples of acceptable overhead protection are roofs or other permanent structures, canopies, awnings, or attached umbrellas for units such as pushcarts. Overhead protection may not always be suitable for use over frying or grilling operations that generate airborne grease. NC Building and Fire Codes may dictate specific limitations.
6. If the food and utensils aren't protected by overhead protection, they must be protected by individual covers. This means each individual piece of cooking and hot and cold holding equipment must have individual covers, such as domes, chafing lids, or cookers with hinged lids.
7. A pushcart is defined as a mobile piece of equipment or vehicle used to vend food. In the NC Food Code there is not a requirement for the equipment to meet NSF/ANSI standards. Equipment must meet the requirements in Chapters 4-1 and 4-2.
8. If an operator of a pushcart or mobile food unit that is based from a permitted commissary or restaurant that is located on the premises of a facility which contains at least 3,000 permanent seats to prepare and serve food on the premises applies for a permit, an evaluation should be conducted to ensure the applicable laws and rules are met and a permit issued. However, it is unnecessary to re-issue permits to the pushcarts and mobile food units currently operating from a permitted commissary or food establishment that are located on the premises of a facility which contains at least 3,000 permanent seats.

REFERENCES:

Rules Governing the Food Protection and Sanitation of Food Establishments 15A NCAC 18A .2600
North Carolina Food Code Manual
Recommended Guidance for Mobile Food Establishment, 2nd Edition, CFP Plan Review Committee

NOTE: Position statements are policy documents to clarify how to interpret or enforce a law or rule. They are not enforceable on their own, but are intended to promote uniform interpretation and enforcement of the underlying law or rule.