

**15A NCAC 18A .1323 FOOD PROTECTION IN ACTIVITY KITCHENS, REHABILITATION KITCHENS, AND NOURISHMENT STATIONS**

(a) All TCS food shall be maintained at temperatures required by Part 3-501.19 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 during storage, preparation, transportation, display, and service of the TCS food. Time as a public health control may be used as specified in Section .2600 of this Subchapter, except that written procedures shall not be required.

(b) Hot and cold holding equipment shall be used to maintain required temperatures for TCS food. Each refrigeration unit shall be provided with an indicating thermometer that is accurate to  $\pm 3$  degrees Fahrenheit or  $\pm 1.5$  degrees Celsius.

(c) Food shall be stored at least six inches above the floor, in a clean, dry location, and protected from contamination.

(d) No live animals shall be allowed in any room where food is prepared or stored. Live animals shall be permitted in an institution's dining areas in the following situations and only if the live animal does not come into physical contact with institution employees engaged in the preparation or handling of food, serving dishes, utensils, tableware, linens, unwrapped single service and single use articles, food contact surfaces, or other food service items:

- (1) Fish or crustacea in aquariums or display tanks, or other animals in enclosed terrariums or glass enclosed aviaries;
- (2) Dogs accompanying police or security officers in offices and dining, sales, and storage areas, and dogs used for security purposes running loose in outside fenced areas;
- (3) Service animals, as defined in 28 C.F.R. 36.104, accompanying individuals with disabilities in areas that are not used for food preparation; and
- (4) Dogs (*Canis lupus familiaris*) and cats (*Felis catus*) in outdoor dining areas provided that dogs and cats are physically restrained and do not pass through any indoor dining areas of the facility.

(e) Notwithstanding Paragraph (d) of this Rule, and except in accordance with applicable law, nothing in this Rule shall prohibit an institution from restricting live animals in dining areas.

*History Note: Authority G.S. 130A-4; 130A-29; 130A-235;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. March 1, 2003 (see S.L. 2002-160); October 1, 1993; September 1, 1990;  
Readopted Eff. December 1, 2022.*