

SUBCHAPTER 18A - SANITATION

SECTION .1800 - SANITATION OF LODGING PLACES

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 and which can be accessed free of charge at <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title21/html/USCODE-2010-title21-chap9-subchapIV-sec342.htm>.
- (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.
- (7) "Clean" means washed and free from dirt, marks, or unwanted matter.
- (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 machine, water fountain, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine.
- (11) "Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
- (12) "Food-contact surface" means:
 - (a) A surface of equipment or a utensil with which food normally comes into contact; or
 - (b) A surface of equipment or a utensil from which food may drain, drip, or splash:
 - (i) Into a food product; or
 - (ii) Onto a surface normally in contact with food.
- (13) "Food employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.
- (14) "Furnishings" means furniture, fittings, window coverings, and other accessories, including decorative accessories.
- (15) "Good Repair" means equipment and utensils shall be maintained in a state of repair and condition that meets the requirements specified under Parts 4-1 and 4-2 of the Food Code as incorporated by reference in Rule 15A NCAC 18A .2650.
- (16) "Guest Rooms" means the accommodations or designated areas for persons who pay for the services of the lodging establishment, such as bedrooms, suite areas, and bathrooms.
- (17) "Handwashing sink" means a lavatory, basin, or vessel for washing, a washbasin, or a plumbing fixture placed for use in personal hygiene and designed for the washing of the hands. This includes an automatic handwashing facility.
- (18) "Kitchenware" means food preparation and storage utensils.

- (19) "Linen" means fabric items such as bedding, towels, cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.
- (20) "Lodging establishment" means all hotels, motels, inns, tourist homes, and other places providing lodging accommodations for pay. Facilities described in G.S. 130A-250 (1) through (5) shall not be regulated as "lodging establishment." For the purposes of this Section, the term "lodging establishment" also includes bed and breakfast homes and bed and breakfast inns.
- (21) "mg/L" means milligrams per liter, which is the metric equivalent of parts per million (ppm).
- (22) "Packaged" means bottled, canned, cartoned, bagged, or wrapped, whether packaged in a food establishment or a food processing plant.
- (23) "Permit" means the document issued by the regulatory authority that authorizes a person to operate a lodging establishment.
- (24) "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.
- (25) "Person" means person as defined in G.S. 130A-2(7).
- (26) "Person in charge" means the individual present at a lodging establishment who is responsible for the operation at the time of inspection.
- (27) "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.
- (28) "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; 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.
- (29) "Potentially Hazardous Food" means potentially hazardous food (time/temperature control for safety food) to limit pathogenic microorganism growth or toxin formation.
- (30) "Premises" means the physical facility, its contents, and the contiguous land or property under the control of the permit holder.
- (31) "Refuse" means solid waste not carried by water through the sewage system.
- (32) "Registered Environmental Health Specialist" means an Environmental Health Specialist as defined in G.S. 90A-51(2b) who has registered in accordance with G.S. 90A-51(4).
- (33) "Regulatory Authority" means the Department or authorized agent of the Department.
- (34) "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 five logs, which is equal to a 99.999% reduction, of representative disease microorganisms.
- (35) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.
- (36) "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.
- (37) "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.
- (38) "Temperature measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

- (39) "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.
- (40) "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.
- (41) "Warewashing" means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.

History Note: Authority G.S. 130A-4; 130A-6; 130A-248;
Eff. October 1, 2017.