

## **15A NCAC 18A .2658 COMPLIANCE AND ENFORCEMENT**

The provisions of this Rule make amendments, additions, and deletions to the Food Code incorporated by reference in Rule .2650 of this Section. In Chapter 8, the following apply:

- (1) In Section 8-103.10, add the following to the end: "Variance requests shall be submitted to a committee including a food scientist and representatives from industry and state and local public health agencies appointed by the Department."
- (2) In Section 8-201.11, add the following to the beginning: "Plans drawn to scale for franchised or chain food establishments shall be submitted for review and approval to the Environmental Health Services Branch, N.C. Division of Public Health. Plans drawn to scale for independent food establishments shall be submitted for review and approval to the local health department."
- (3) In Paragraph 8-201.12(A), amend to read: "Intended menu and plan review application;"
- (4) In Paragraph 8-302.14(G), amend to read: "A statement signed by the applicant that attests to the accuracy of the information provided in the application."
- (5) In Paragraph 8-302.14(G), delete (1) and (2).
- (6) In Section 8-303.20, delete "Permit Renewal" from the heading.
- (7) In Section 8-303.20, amend to read: "As applicable, the regulatory authority may issue a permit in accordance with 15A NCAC 18A .2659, to a new owner of an existing food establishment after an application is submitted, reviewed, and approved, and an inspection shows that the establishment is in compliance with this Code. If the establishment is not in compliance with the Code, a transitional permit may be issued in accordance with G.S. 130A-248 (b) and (c) and Rule .2659(b)."
- (8) Delete Section 8-304.10.
- (9) Delete Paragraph 8-304.11(A).
- (10) Delete Section 8-304.20.
- (11) In Section 8-401.10, delete (A) and replace with: "The regulatory authority shall inspect a food establishment in accordance with 10A NCAC 46 .0213."
- (12) In Section 8-401.10, delete (B) and (C).
- (13) Delete Section 8-401.20.
- (14) Delete Section 8-402.10.
- (15) In Subparagraph 8-402.20(A)(1), amend to read: "The permit holder shall allow access to the regulatory authority as specified under Section 8-402.11 of the Code and G.S. 130A-17 and 130A-249."
- (16) In Subparagraph 8-402.20(A)(3), amend to read: "If access is denied, an administrative warrant may be obtained according to G.S. 15-27.2."
- (17) In Section 8-402.40, amend heading to read: "Administrative Warrant to Gain Access."
- (18) In Section 8-402.40, amend to read: "If denied access to a food establishment for an authorized purpose and after complying with Section 8-402.20 of the Food Code as amended by Rule .2658, the regulatory authority may issue, or apply for the issuance of, an administrative warrant to gain access as provided by G.S. 15-27.2."
- (19) In Section 8-403.20, delete the reference to Section 8-406.11.
- (20) Delete Section 8-406.11.
- (21) Delete Subpart 8-501.

*History Note:* Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);  
Eff. September 1, 2012;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.