

# Child Care Sanitation

## .2800 Permanent Rules



### Children's Environmental Health Virtual Training

June 21, 2023  
June 27, 2023  
July 19, 2023



# Child Care Rules Re-Adoption Process

- § 150B-21.3A. Periodic review and expiration of existing rules: requires rules to be reviewed and re-adopted
- Review process is required at least once every 10 years.
- Meetings were held with stakeholders and the regulated community.
- Committee responded to public comments (33), incorporated policy memos and made technical changes, lawyer language, grammatical and clarification language, current rule making policies

# Child Care Rules Re-Adoption Process

- Rules Approved by the NC Commission for Public Health on February 1, 2023
- Reviewed by NC Rules Review Commission
- Scheduled to be presented at March NC Rules Review Commission. However, based on comments and response, Rules were presented at the May NC Rules Commission Meeting.
- Rules Approved at the May 18<sup>th</sup> RRC Meeting
- Effective Date: July 1, 2023
- Not yet updated in the Administrative Code

# **DEFINITIONS (.2801)**

# DEFINITIONS (.2801)

## 42 Definitions

very different look than previous rules

“Approved Disinfectant” (1) 2812(i)

“Sanitizing Solution” (35) 2812(j)

“Detergent Solution” (12)

“Multi Service Articles (28) - vs - “Multi Use Articles” (29)

“Clean” (7)

“Good Repair” (20)

# Child Care Permanent Rules Definitions .2801 Incorporated by Reference (16)

- (4) "**Child Care Administrator**" means as defined at G.S. 110-86(2a).
- (5) "**Child Care Center**" means as defined at 10A NCAC 09 .0102(6).
- (6) "**Child Care Operator**" or "**Operator**" means as an operator as defined at G.S. 110-86(7).
- (8) "**Communicable Condition**" means as defined at G.S. 130A-2(1b).
- (9) "**Communicable Disease**" means as defined at G.S. 130A-2(1c).
- (15) "**Food Contact Surface**" means as defined at 15A NCAC 18A .2600.
- (19) "**Garbage**" means as defined at G.S. 130A-290(7).
- (21) "**Hand Antiseptic**" means as defined at 15A NCAC 18A .2600.
- (23) "**Hazard**" means as defined at 15A NCAC 18A .2600, except that "consumer" shall be replaced with "child."

# Child Care Rules Re-Adoption Definitions .2801 Incorporated by Reference Continued

- (24) "**Hermetically Sealed Container**" means as defined at 15A NCAC 18A .2600." means as defined at G.S. 130A-290(7).
- (25) "**Licensing Agency**" means the DHHS, Division of Child Development and Early Education.
- (26) "**Local Health Department**" means as defined at G.S. 130A-2(5).
- (27) "**Milk Products**" means as defined at 02 NCAC 09G .2001.
- (30) "**Outdoor Learning Environment**" means as set forth at 10A NCAC 09 .0605.
- (31) "**Pest**" means as defined at G.S. 143-460(26a).
- (32) "**Potable Water**" means water from a potable water supply as defined at 15A NCAC 18C .0102(c)(18).



**CLARIFICATIONS**

**POLICY INCORPORATED IN  
RULES**

# Child Care Rules Re-Adoption Policy Incorporated

## 15A NCAC 18A .2806 FOOD STORAGE AND PROTECTION

Specialty bulk milk

## 15A NCAC 18A .2804 FOOD SUPPLIES

A water bottle that a child brings to the child care center from home and that is used only for water consumption

Hot foods that a child brings from home to the child care center in double-walled, insulated thermos containers

## 15A NCAC 18A .2820 STORAGE

A locked kitchen, for child care centers that are located within a school and that use the school cafeteria's kitchen

# **FOOD CODE & CHILD CARE RULES**



# Child Care Rules Re-Adoption

## What About the Food Code?

### Challenges to Incorporating Food Code during Rules Re-Adoption

- The Food Code is intended for commercial retail food establishments receiving food from approved sources. It is challenging incorporating The Food Code in Child Care Centers where food and human milk brought from home would not be considered an approved source.
- Based on research and information provided by the FDA, Food Code is not readily utilized in most Child Care Centers across the United States, with Louisiana being the exception which requires Child Care Center kitchens to be permitted as a retail food establishment under Food Code.
- Timeframe not feasible during rule re-adoption process rather than a rule re-write process.

Requires a complete overhaul of child care rules. Entire framework of rules would need to change to separate:

- Food provided by the child care center
- Food received by the center from other entities
- Food sent from home

# Other Challenges to Incorporating Food Code during Rules Re-Adoption

- Child Care Centers are not permitted establishments by the local Health Department
- Would have to work closely with DCDEE, the licensing agency
- Economic feasibility - big financial impact on child care centers
- Training would be extensive and would require a longer timeframe for implementation
- General Statutes allows child care centers to use domestic equipment
- Violations would need to be broken down based on risk
  - Priority, Priority Foundation, Core
- Would require creating marking instructions
  - 'In', 'Out', 'Not Observed', or 'Not Applicable
  - CDI, VR and Repeat violations
- Variance, HACCP Plans, SOPs, embargo

# **FOOD CODE IMPLEMENTATION IN CHILD CARE RULES**



Although the Food Code was not adopted for child care, there were components of food code incorporated in the child care sanitation rules such as previous definitions discussed and the following:

**-Cook Temperatures-**

**-Hot Holding Temperatures-**

**-Reheating Temperatures-**

**- No Bare Hand Contact with Ready-to-Eat Foods-**

**-Cooking Internal Temp in a Microwave-**

**-Thin Probe Thermometer-**

# Child Care Rules Re-Adoption New Rule

## **15A NCAC 18A .2827 COMMUNICABLE DISEASES AND CONDITIONS**

(d) The child care center shall have written procedures that employees shall follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the center.

## **15A NCAC 18A .2827 COMMUNICABLE DISEASES AND CONDITIONS**

(5) The steps used to clean and disinfect the contaminated area, which shall include the following:

**Questions?**

# 15A NCAC 18A .2802

## Approval of Construction and Renovation Plans

# 15A NCAC 18A .2802

## APPROVAL OF CONSTRUCTION AND RENOVATION PLANS

- (a) Construction plans drawn to scale and specifications for a new **child care center that is not a chain or franchise child care center** shall be submitted by the operator or the operator's designee to the local health department that serves the county in which the child care center is located for review and approval prior to initiating construction. Plans drawn to scale and specifications for changes to building dimensions, kitchen specifications, or other **modifications to existing child care centers, including chain or franchise child care centers,** shall also be submitted to the local health department for review and approval prior to initiating construction.

### (3) "Chain or Franchise Child Care Center"

"Chain or Franchise Child Care Center" means a child care center that operates under the same business name and prototype design concept, with common ownership or management, as nine or more other child care centers pursuant to a franchise agreement under the same franchisor as nine or more other child care centers.

Plan Submittal for Construction	Local Health Dept.	DHHS
New Chain/Franchise Center		<p style="text-align: center;"><b>√</b></p> <p>DHHS: 5605 Six Forks Road 1632 Mail Service Center, Raleigh, NC 27699- 1632</p>
Existing Chain/Franchise Center (modifications)	<b>√</b>	
New NON Chain Center	<b>√</b>	
Existing NON Chain Center (modifications)	<b>√</b>	

# 15A NCAC 18A .2803

## Handwashing

# 15A NCAC 18A .2803

## Handwashing

- (a) Child care center employees shall wash their hands as follows when at work in a child care center:
- (1) upon reporting for work at the child care center;
  - (2) before and after handling or **preparing food**;
  - (3) before bottle feeding a child;
  - (4) before providing food service;

## .2803 (b)



▶ (b) The use of a **hand sanitizing products antiseptic** does not replace the requirements for handwashing in Paragraph (a) except that an employee who is supervising a child or children outdoors may use a hand antiseptic while outdoors in lieu of handwashing, provided that the employee's hands are washed in accordance with Paragraph (e) of this Rule when the employee returns indoors. **Hand antiseptic shall not be used in lieu of handwashing** when the employee's action that necessitates handwashing is diapering, food preparation, or food service.



(21) "Hand Antiseptic" means as defined in Part 2-301.16 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652.

- ▶ 2-301.16 Hand Antiseptics.
- ▶ (A) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:
  - ▶ (1) Comply with one of the following:
    - ▶ (a) Be an APPROVED drug that is listed in the FDA publication Approved Drug Products with Therapeutic Equivalence Evaluations as an APPROVED drug based on safety and effectiveness; or
    - ▶ (b) Have active antimicrobial ingredients that are listed in the FDA monograph for OTC Health-Care Antiseptic Drug Products as an antiseptic handwash

# .2803 (c) & (d)

(c) Child care center employees shall ensure that children wash their hands as follows:

- (1) upon arrival at the child care center;
- (2) after each diaper change or visit to the toilet;
- (3) before eating meals or snacks;
- (4) before and after water play;
- (5) after being outdoors; and
- (6) after handling animals or animal cages.

(d) Except when the action that necessitates handwashing is diapering and before eating meals or snacks, **hand antiseptics** may be used in lieu of handwashing while a child is outdoors, provided that the child's hands are washed when the child returns indoors.



# 15A NCAC 18A .2803 Handwashing

- ▶ violation of Rules .2803(a)-(d) or .2836 (15) of this Section related to handwashing when required shall be assessed **five demerits**; #1 on inspection form

**Sanitation Standards Evaluation Form for Child Care Centers** Demerits: \_\_\_\_\_

Classification:  Superior  Approved  Provisional  Disapproved

Establishment Name: \_\_\_\_\_ Operator: \_\_\_\_\_

Location Address: \_\_\_\_\_

City: \_\_\_\_\_ State: North Carolina Date: \_\_\_\_\_ Status Code: \_\_\_\_\_

Zip: \_\_\_\_\_ County: \_\_\_\_\_ Time In: \_\_\_\_\_ Time Out: \_\_\_\_\_

Current Facility ID#: \_\_\_\_\_ Telephone: \_\_\_\_\_

Licensing ID#: \_\_\_\_\_ Maximum Capacity: \_\_\_\_\_

Wastewater System:  Municipal/Community  Onsite System Water Supply:  Municipal/Community  Onsite Supply Water Sample Taken Today?  Yes  No

Demerits		Demerits	
<b>HANDWASHING: .2803, .2836</b>		<b>STORAGE: .2830</b>	
1 Handwashing when required	5	*28 Medications properly stored	6
2 Proper handwashing procedure	5	*29 Hazardous products properly stored and locked	6
<b>FOOD: .2804, .2806, .2807, .2808, .2810, .2818, .2836</b>		30 Non-hazardous products properly stored	3
*1 From approved sources, not a hazard or adulterated	8	*31 Facilities provided for proper storage; used and kept clean	2
*4 Potentially hazardous foods meet storage and holding temperatures; bottles, lunches refrigerated at 45° F or below	6	<b>BEDS, COTS, MATS AND LINENS: .2821, .2836</b>	
5 Food properly stored, thawed, prepared, cooked, cooled, handled, served, transported, packaged and identified; only supervised children in kitchen; water from a handwash lavatory not consumed or used for bottle warming	5	Adequate linen provided and properly stored; adequate beds, cots, mats provided, in good repair, properly stored, labeled, spaced during use	3
6 Not re-served	3	32 Linen, bedding, wash cloths, bibs, burping cloths laundered, and in good repair	3
7 Thermometers provided, accurate	2	<b>TOYS, EQUIPMENT, FURNITURE: .2822, .2836</b>	
<b>FOOD SERVICE EQUIPMENT &amp; UTENSILS AND SANITIZING: .2805, .2809, .2810, .2812, .2814</b>		34 Clean and in good repair; cleaning, sanitation and maintenance of water play centers	4
*8 Meets specifications for refrigeration, sinks, lavatories and dishwashing equipment	6	35 Mouth-contact surfaces cleaned and sanitized in rooms designated for children who are not toilet trained	4
9 Meets specifications for other equipment and utensils, approved material and construction	4	<b>PERSONNEL: .2807, .2822</b>	
10 Food contact surfaces properly washed, rinsed, sanitized and air dried; single-service articles not re-used	5	36 Child care center employees wearing gloves, clean clothes, hair restraints where required; no tobacco use	2
11 Approved sanitizing solution provided; least kit available	2	<b>FLOORS, WALLS &amp; CEILINGS: .2824, .2825, .2832, .2836</b>	
12 Equipment, non-food contact surfaces clean; in good repair	4	Easily cleanable, clean, and in good repair; carpets vacuumed as required and extraction cleaned; date cleaned	4
13 Proper storage and handling of clean equipment, utensils and single-service articles	3	<b>LIGHTING AND THERMAL ENVIRONMENT: .2826</b>	
<b>WATER SUPPLY &amp; DRINKING WATER FACILITIES: .2815, .2836</b>		38 Room temperature between 65° F and 85° F	3
*14 Water supply meets 15A NCAC 18A .1700 and 15A NCAC 18C if applicable; documentation provided	6	39 Equipment clean and in good repair; maintained as required	2
*15 Hot water supplied and maintained in the kitchen	6	<b>COMMUNICABLE DISEASE CONTROL: .2827, .2836</b>	
16 Hot water supplied and tempered water maintained as required in all other areas	4	*40 Persons with a communicable disease or condition excluded in accordance with 10A NCAC 41A .0200	6
*17 Hot water in excess of 120°F not allowed in areas accessible to children	6	41 Persons caring for sick or mildly ill children excluded from situations in which disease transmission likely to occur; proper written cleaning procedure followed for vomiting or diarrheal events	4
18 Backflow prevention provided; no cross connections	3	42 Designated area for sick children; maintained as required; written procedures for vomiting or diarrheal events	2
19 Approved drinking fountains, pressure regulated, clean	2	<b>WASTEWATER: .2829</b>	
<b>LEAD POISONING HAZARDS: .2816</b>		*43 Approved sewage disposal	6
*20 No identified lead poisoning hazards in accordance with NCCES 130A-131.7(7); date water tested	6	<b>SOLID WASTE: .2830, .2836</b>	
<b>TOILET AND LAVATORY FACILITIES: .2817, .2818, .2836</b>		44 Solid waste properly handled; containers and cleaning equipment kept clean; clean cleaning facilities available	2
21 Properly sized, located, accessible, and in good repair; sinks, toilets and potty chairs cleaned and disinfected; proper change of use procedure	4	<b>ANIMAL &amp; VERMIN CONTROL, OUTDOOR LEARNING ENVIRONMENT &amp; PREMISES: .2831, .2832</b>	
22 Soap, approved hand drying devices, toilet tissue paper available	3	*45 Pesticides properly used; no new installation of CCA pressure-treated wood	6
23 Approved storage in toilet rooms, lavatories free of storage; hand wash signs posted	2	46 CCA pressure-treated wood sealed; date sealed	2
<b>DIAPER CHANGING FACILITIES AND DISINFECTION: .2812, .2817, .2818, .2819, .2820, .2836</b>		47 No animals in food preparation areas and no unrestrained animals (except as allowed; no prohibited animals; required veterinary records available and current	3
*24 Approved facilities as needed	6	48 Pest control; premises free of conditions that harbor or attract pests	3
*25 Diapering surfaces cleaned and disinfected after each use	6	Premises clean and free of standing water; utility equipment inaccessible; equipment and toys clean and in good repair; sandboxes properly constructed, clean and covered; adherence to air quality forecast quality forecast outdoor activity restrictions when applicable	2
26 Approved cleaning solution and approved disinfectant provided; test kit available when required	2	<b>SWIMMING &amp; WADING POOLS: .2833</b>	
27 Free of storage and in good repair; cleaning and disinfecting solutions labeled; approved diapering methods used; approved floor barrier; diaper changing and handwash signs posted	4	*50 Designed, constructed, operated and maintained in accordance with 15A NCAC 18A .2900	6

\*Indicates critical item (6-demerits)

Signed: \_\_\_\_\_ REHS#: \_\_\_\_\_ Received By: \_\_\_\_\_

Classification: Superior - 0-15 demerits; Approved - 16-20 demerits; Provisional - 21-45 demerits; or any 4-6 demerits; Disapproved - 46 or more demerits, or failure to improve. Provisional classification: An original and two copies of this form to be completed by local Environmental Health Specialists during each inspection. The original is sent to the Director of Child Development and Early Education, NC Department of Health and Human Services, one copy is given to the child care operator, and the other copy is kept by the local health department.

HEALTH AND HUMAN SERVICES North Carolina Department of Health & Human Services - Division of Public Health - Environmental Health Section - Childcare Environmental Health DHS is an Equal Opportunity Employer Page 1 of 1, EHS 1617 Revised 05/2002

# .2803 (e)

## Handwashing Procedure



- ▶ (e) Handwashing procedures shall include the following steps:
  - ▶ (1) using liquid soap and tempered water;
  - ▶ (2) rubbing hands vigorously with soap and tempered water for 15 seconds;
  - ▶ (3) washing all surfaces of the hands, to include the backs of hands, palms, wrists, under fingernails, and between fingers;
  - ▶ (4) rinsing the hands under tempered water for 10 seconds;
  - ▶ (5) drying the hands with a paper towel or other hand-drying device; and
  - ▶ (6) turning off faucet with a paper towel or other method without recontaminating hands.

# 15A NCAC 18A .2803 Handwashing

Violation of Rule .2803(e) of this Section related to **proper handwashing procedures** shall be assessed **five demerits**; #2 on grade sheet

**Sanitation Standards Evaluation Form for Child Care Centers** Demerits: \_\_\_\_\_

Classification:  Superior  Approved  Provisional  Disapproved

Establishment Name: \_\_\_\_\_ Operator: \_\_\_\_\_

Location Address: \_\_\_\_\_

City: \_\_\_\_\_ State: North Carolina Date: \_\_\_\_\_ Status Code: \_\_\_\_\_

Zip: \_\_\_\_\_ County: \_\_\_\_\_ Time In: \_\_\_\_\_ Time Out: \_\_\_\_\_

Current Facility ID#: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Inspection  Re-Inspection  Visit  
 Name Change  Verification of Closure  Status Change

Licensing ID#: \_\_\_\_\_ Maximum Capacity: \_\_\_\_\_

Wastewater System:  Municipal/Community  Onsite System  Onsite System  Onsite System  Onsite System

Water Supply:  Municipal/Community  Onsite System  Onsite System  Onsite System

Water Sample Taken Today?  Yes  No

Demerits		Demerits	
<b>HANDWASHING: 2803, 2836</b>			
1	Handwashing when required	5	
2	Proper handwashing procedure	5	
<b>FOOD: 2804, 2806, 2807, 2808, 2810, 2818, 2836</b>			
*3	From approved sources, not a hazard or adulterated	6	
*4	Potentially hazardous foods meet storage and holding temperatures, bottles, lunches refrigerated at 45° F or below	6	
5	Food properly stored, thawed, prepared, cooked, cooled, handled, served, transported, packaged and identified; only supervised children in kitchen; water from a handwash lavatory not consumed or used for bottle warming	5	
6	Not re-served	3	
7	Thermometers provided, accurate	2	
<b>FOOD SERVICE EQUIPMENT &amp; UTENSILS AND SANITIZING: 2805, 2809, 2810, 2812, 2814</b>			
*8	Meets specifications for refrigeration, sinks, lavatories and dishwashing equipment	6	
9	Meets specifications for other equipment and utensils, approved material and construction	4	
10	Food contact surfaces properly washed, rinsed, sanitized and air dried; single-service articles not re-used	5	
11	Approved sanitizing solution provided; test kit available	2	
12	Equipment, non-food contact surfaces clean in good repair	4	
13	Proper storage and handling of clean equipment, utensils and single-service articles	3	
<b>WATER SUPPLY &amp; DRINKING WATER FACILITIES: 2815, 2836</b>			
*14	Water supply meets 15A NCAC 18A .1700 and 15A NCAC 18C if applicable; documentation provided	6	
*15	Hot water supplied and maintained in the kitchen	6	
16	Hot water supplied and tempered water maintained as required in all other areas	4	
*17	Hot water in excess of 120°F not allowed in areas accessible to children	6	
18	Backflow prevention provided, no cross connections	3	
19	Approved drinking fountains, pressure regulated, clean	2	
<b>LEAD POISONING HAZARDS: 2816</b>			
*20	No identified lead poisoning hazards in accordance with NCGS 130A-131.777; date water tested	6	
<b>TOILET AND LAVATORY FACILITIES: 2817, 2818, 2836</b>			
21	Property sized, located, accessible, and in good repair; sinks, toilets and potty chairs cleaned and disinfected; proper change of use procedure	4	
22	Soap, approved hand drying devices, toilet tissue paper available	3	
23	Approved storage in toilet rooms, lavatories free of storage; hand wash signs posted	2	
<b>DIAPER CHANGING FACILITIES AND DISINFECTION: 2812, 2817, 2818, 2819, 2820, 2836</b>			
*24	Approved facilities as needed	6	
*25	Diapering surfaces cleaned and disinfected after each use	6	
26	Approved cleaning solution and approved disinfectant provided; test kit available when required	2	
27	Free of storage and in good repair; cleaning and disinfecting solutions labeled; approved diapering methods used; approved floor barrier; diaper changing and handwash signs posted	4	
*Indicates critical item (8-demerits)			
<b>STORAGE: 2820</b>			
28	Medications properly stored	6	
29	Hazardous products properly stored and locked	6	
30	Non-hazardous products properly stored	3	
31	Facilities provided for proper storage; used and kept clean	2	
<b>BEDS, MATS AND LINENS: 2821, 2836</b>			
32	Adequate linen provided and properly stored; adequate beds, cots, mats provided, in good repair, properly stored, labeled, spaced and used	3	
33	Linen, bedding, wash cloths, bibs, burping cloths laundered, and in good repair	2	
<b>TOYS, EQUIPMENT, FURNITURE: 2822, 2836</b>			
34	Clean and in good repair; cleaning, sanitization and maintenance of water play centers	4	
35	Multi-contact surfaces cleaned and sanitized in rooms designated for children who are not toilet trained	4	
<b>PERSONNEL: 2807, 2823</b>			
36	Child care center employees wearing gloves, clean clothes, hair restraints where required; no tobacco use	2	
<b>FLOORS, WALLS &amp; CEILINGS: 2824, 2825, 2832, 2836</b>			
37	Easily cleanable, clean, and in good repair; carpets vacuumed as required and extraction cleaned; date cleaned	4	
<b>LIGHTING AND THERMAL ENVIRONMENT: 2828</b>			
38	Room temperature between 65° F and 85° F	3	
39	Equipment clean and in good repair; maintained as required	2	
<b>COMMUNICABLE DISEASE CONTROL: 2827, 2836</b>			
*40	Persons with a communicable disease or condition excluded in accordance with 10A NCAC 41A .0200	6	
41	Persons caring for sick or mildly ill children excluded from situations in which disease transmission likely to occur; proper written cleanup procedure followed for vomiting or diarrheal events	4	
42	Designated area for sick children; maintained as required; written procedures for vomiting or diarrheal events	2	
<b>WASTEWATER: 2829</b>			
*43	Approved sewage disposal	6	
<b>SOLID WASTE: 2830, 2836</b>			
44	Solid waste properly handled; containers and cleaning equipment kept clean; can cleaning facilities adequate	2	
<b>ANIMAL &amp; VERMIN CONTROL, OUTDOOR LEARNING ENVIRONMENT &amp; PREMISES: 2831, 2832</b>			
*45	Pesticides properly used; no new installation of CCA pressure-treated wood	6	
46	CCA pressure-treated wood sealed; date sealed; soil covered or inaccessible	2	
47	No animals in food preparation areas and no unrestrained animals except as allowed; no prohibited animals; required veterinary records available and current	3	
48	Pest control; premises free of conditions that harbor or attract pests	3	
49	Premises clean and free of standing water; utility equipment inaccessible; equipment and toys clean and in good repair; sandboxes properly constructed, clean and covered; adherence to air quality forecast quality forecast outdoor activity restrictions when applicable	2	
<b>SWIMMING &amp; WADING POOLS: 2833</b>			
*50	Designated, constructed, operated and maintained in accordance with 15A NCAC 18A .2600	6	

Signed: \_\_\_\_\_ REHS#: \_\_\_\_\_ Received By: \_\_\_\_\_

Classification: Superior - 0-15 demerits; no 5-point demerit; Approved - 16-20 demerits; no 5-point demerit; Provisional - 21-35 demerits; or any 5-point demerit; Disapproved - 46 or more demerits, or failure to improve. Provisional classification: An original and two copies of this form must be completed by local Environmental Health Specialist during each inspection. The original is sent to the Division of Child Development and Early Education (DCDE), Department of Health and Human Services (DHHS) as given to the on-site operator and the other copy is kept by the local health department.

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# 15A NCAC 18A .2804

## Food Supplies

15A NCAC 18A .2804

## FOOD SUPPLIES **Overview**

- Rules were moved within .2804 so that the human milk rules would be grouped together.
- **Breast Milk** → **Human Milk**

# .2804 (b)

“Milk products” that are used shall be Grade “A” milk and milk products, as set forth in Section 1 of the 2017 Grade “A” Pasteurized Milk Ordinance, including subsequent amendments and editions, established by the U.S. Department of Health and Human Services, Food and Drug Administration, which is hereby incorporated by reference and available free of charge at <https://www.fda.gov/media/114169/download>, in fluid form or evaporated milk.



- ▶ "Milk Products" means as defined in Section 1 of the 2017 Grade "A" Pasteurized Milk Ordinance, including subsequent amendments and editions, established by the U.S. Department of Health and Human Services, Food and Drug Administration, which is hereby incorporated by reference and available free of charge at <https://www.fda.gov/media/114169/download>

## .2804 (d)

- ▶ Language was altered, however no major changes
- ▶ Large portion of .2804 (d) was moved to e-g.

# .2804 (e)

- ▶ (e) Frozen human milk may be stored frozen for **three months**
- ▶ Any frozen human milk stored beyond seven days shall be stored in the freezer compartment of a **full-size refrigerator that has a separate door to the freezer, in a chest freezer, or in an upright deep freezer.**



# What is a “full size” refrigerator?

- Defined by the industry standard; standard size for a full-size refrigerator falls between 30 to 36 inches width, 67 to 70 inches in height, and 29 to 35 inches in depth.
  - When it comes to the interior, the refrigerator itself should provide you with 14 to 20 cubic feet of space.



## .2804 (e) cont...

- ▶ Frozen human milk shall be thawed in accordance with Paragraph (i)(1) or (i)(2) of Rule .2807 of this Section and prepared in the child care center's kitchen or food preparation area.
- ▶ In addition to the labeling required by Paragraph (d) of this Rule, frozen human milk shall be labeled with the date that it is thawed for use.
- ▶ Human milk that was previously frozen and has been thawed shall be refrigerated and stored for no more than 24 hours from when it was thawed.
- ▶ Human milk that was previously frozen and has been thawed shall not be refrozen for storage at the child care center.



# .2804 (f)

- ▶ Language has been clarified, however no major changes.
- ▶ Previously located in (d) and now moved to (f)
- ▶ Formula provided by the child care center shall be commercial ready-to-feed formula that is pre-packaged in single-use containers. Formula that does not meet these requirements and human milk may be provided to a child by child care center employees as prescribed by the child's health care provider or as instructed, in writing, by the child's parent or guardian. Bottles and other drinking utensils provided by the child care center shall be sanitized in accordance with this Section.

# .2804 (g)

- Language has been clarified, however no major changes.
- Previously located in (d) and now separated out to (g)
- After opening, jars of baby food shall be covered, labeled with the date on which they were opened, refrigerated and used within two days of opening, provided that the baby food is not served directly from the jar. Baby food may be served directly from the jar to one child if unused portions of the food are discarded after each feeding; otherwise, commercially prepared baby foods shall be served from a serving dish rather than the food jar.

# .2804 (h)

- ▶ After the **completion of each feeding**, any leftover formula, human milk, or other bottled beverages used during the feeding shall be **discarded or sent home** with the child whose name is on the label for the formula, human milk, or bottled beverage at the end of each day.



# .2804 (h)

- ▶ Clarification of “**Completion of Feeding**”
- ▶ Feeding is complete when the child care center employee has stopped feeding the child and the child has been removed from the feeding area in the child care center and returned to other activities.



# .2804 (h) Cont.

Bottles previously used for feeding shall not be returned to communal mechanical refrigeration. Nothing in these Rules shall prohibit human milk from being sent home at the end of the day with the child whose name is on the label for the human milk instead of being discarded when the child's parent or guardian has given the child care center written permission to send the human milk home.



# .2804 (i)

► (i) A water bottle that a child brings to the child care center from home and that is used only for water consumption by that child shall be exempt from the requirements of Paragraph (h) of this Rule. Instead, the water bottle shall be labeled with the name of the child to whom the water bottle belongs, individually stored in the child's cubby, and sent home with the child at the end of the day.



# 15A NCAC 18A .2804 Food Supplies

## .2804 (d-i)

- ▶ violation of Rules .2804 of this Section related to food being properly stored, thawed, prepared, cooked, cooled, handled, served, transported, packaged, and identified, and only permitting supervised children in the kitchen shall be assessed five demerits; #5 on grade sheet

### Sanitation Standards Evaluation Form for Child Care Centers

Demerits: \_\_\_\_\_

Classification:  Superior  Approved  Provisional  Disapproved

Establishment Name: \_\_\_\_\_

Operator: \_\_\_\_\_

Location Address: \_\_\_\_\_

Date: \_\_\_\_\_ State Code: \_\_\_\_\_  
Time In: \_\_\_\_\_ Time Out: \_\_\_\_\_  
 Inspection  Re-Inspection  Visit  
 Name Change  Verification of Closure  Status Change

City: \_\_\_\_\_ State: North Carolina

Zip: \_\_\_\_\_ County: \_\_\_\_\_

Current Facility ID#: \_\_\_\_\_ Telephone: \_\_\_\_\_

Licensing ID#: \_\_\_\_\_ Maximum Capacity: \_\_\_\_\_

Wastewater System:  Municipal/Community  Onsite System

Water Supply:  Municipal/Community  Onsite Supply

Water Sample Taken Today?  Yes  No

Demerits		Demerits	
<b>HANDWASHING: 2803, 2836</b>			
1	Handwashing when required	5	
2	Proper handwashing procedure	5	
<b>FOOD: 2804, 2806, 2807, 2808, 2810, 2818, 2836</b>			
3	From approved sources, not a hazard or adulterated	6	
4	Potentially hazardous foods meet storage and holding temperatures: bottles, lunches refrigerated at 40° F or below	6	
5	Food properly stored, thawed, prepared, cooked, cooled, handled, served, transported, packaged and identified; only supervised children in kitchen; water from a handwash lavatory not consumed or used for bottle warming	5	
6	Not re-served	3	
7	Thermometers provided, accurate	2	
<b>FOOD SERVICE EQUIPMENT &amp; UTENSILS AND SANITIZING: 2805, 2809, 2810, 2812, 2814</b>			
8	Meets specifications for refrigeration, sinks, lavatories and dishwashing equipment	6	
9	Meets specifications for other equipment and utensils, approved material and construction	4	
10	Food contact surfaces properly washed, rinsed, sanitized and air dried, single-service articles not re-used	5	
11	Approved sanitizing solution provided; test kit available	2	
12	Equipment, non-food contact surfaces clean; in good repair	4	
13	Proper storage and handling of clean equipment, utensils and single-service articles	3	
<b>WATER SUPPLY &amp; DRINKING WATER FACILITIES: 2815, 2836</b>			
14	Water supply meets 15A NCAC 18A, 1700 and 15A NCAC 18C if applicable, documentation provided	6	
15	Hot water supplied and maintained in the kitchen	6	
16	Hot water supplied and tempered water maintained as required in all other areas	4	
17	Hot water in excess of 120°F not allowed in areas accessible to children	6	
18	Backflow prevention provided, no cross connections	3	
19	Approved drinking fountains, pressure regulated, clean	2	
<b>LEAD POISONING HAZARDS: 2816</b>			
20	No identified lead poisoning hazards in accordance with NCOS 1200-131.7(f); date water tested:	6	
<b>TOILET AND LAVATORY FACILITIES: 2817, 2818, 2836</b>			
21	Properly sized, located, accessible, and in good repair; sinks, toilets and potty chairs cleaned and disinfected; proper change of use procedure	4	
22	Soap, approved hand drying devices, toilet tissue paper available	3	
23	Approved storage in toilet rooms, lavatories free of storage; hand basin signs posted	2	
<b>DIAPER CHANGING FACILITIES AND DISINFECTION: 2812, 2817, 2818, 2819, 2820, 2836</b>			
24	Approved facilities as needed	6	
25	Diapering surfaces cleaned and disinfected after each use	6	
26	Approved cleaning solution and approved disinfectant provided; test kit available when required	2	
27	Free of storage and in good repair; cleaning and disinfecting solutions labeled; approved diapering methods used; approved floor barrier; diaper changing and handwash signs posted	4	
<b>STORAGE: 2820</b>			
28	Medications properly stored	6	
29	Hazardous products properly stored and locked	6	
30	Non-hazardous products properly stored	3	
31	Facilities provided for proper storage, used and kept clean	2	
<b>BEDS, COTS, MATS AND LINENS: 2821, 2836</b>			
32	Adequate linen provided and properly stored, adequate beds, cots, mats provided, in good repair, properly stored, labeled, spaced during use	3	
33	Linen, bedding, wash cloths, bibs, burping cloths laundered, and in good repair	3	
<b>TOYS, EQUIPMENT, FURNITURE: 2822, 2836</b>			
34	Clean and in good repair; cleaning, sanitization and maintenance of water play centers	4	
35	Mouth-contact surfaces cleaned and sanitized in rooms designated for children who are not toilet trained	4	
<b>PERSONNEL: 2807, 2823</b>			
36	Child care center employees wearing gloves, clean clothes, hair restraints where required; no lipstick use	2	
<b>FLOORS, WALLS &amp; CEILINGS: 2824, 2825, 2823, 2836</b>			
37	Easily cleanable, clean, and in good repair; carpets vacuumed as required and extraction cleaned; date cleaned	4	
<b>LIGHTING AND THERMAL ENVIRONMENT: 2828</b>			
38	Room temperature between 65° F and 85° F	3	
39	Equipment clean and in good repair; maintained as required	2	
<b>COMMUNICABLE DISEASE CONTROL: 2827, 2838</b>			
40	Persons with a communicable disease or condition excluded in accordance with 10A NCAC 41A, 0200	6	
41	Persons caring for sick or mildly ill children excluded from situations in which disease transmission likely to occur; proper written cleanup procedure followed for vomiting or diarrhea events	4	
42	Designated area for sick children; maintained as required; written procedures for vomiting or diarrhea events	2	
<b>WASTEWATER: 2839</b>			
43	Approved sewage disposal	6	
<b>SOLID WASTE: 2830, 2838</b>			
44	Solid waste properly handled; containers and cleaning equipment kept clean; can clean-up facilities appropriate	2	
<b>ANIMAL &amp; VERMIN CONTROL, OUTDOOR LEARNING ENVIRONMENT &amp; PREMISES: 2831, 2832</b>			
45	Pesticides properly used; no new installation ofCCA pressure-treated wood	6	
46	CCA pressure-treated wood sealed, date sealed; not covered or inaccessible	2	
47	No animals in food preparation areas and no unrestrained animals except as allowed; no prohibited animals; required veterinary records available and current	4	
48	Pest control; premises free of conditions that harbor or attract pests	3	
49	Premises clean and free of standing water; utility equipment inaccessible; equipment and toys clean and in good repair; handboxes properly constructed, clean and covered; adherence to air quality forecast; quality forecast outdoor activity restrictions when applicable	2	
<b>SWIMMING &amp; WADING POOLS: 2833</b>			
50	Designed, constructed, operated and maintained in accordance with 15A NCAC 18A, 2500	6	

\*Indicates critical item (5-demerits)

Signed: \_\_\_\_\_ REHS#: \_\_\_\_\_ Received By: \_\_\_\_\_

## .2804 (k)

- ▶ Lunches, snacks, and other meals containing potentially hazardous foods shall be refrigerated at 45 degrees Fahrenheit or below and stored in the child care center kitchen or approved food preparation area. Hot foods that a child brings from home to the child care center in double-walled, insulated thermos containers may be stored outside of refrigeration at the child care center with the written permission of the child's parent or guardian.



# 15A NCAC 18A .2804 Food Supplies

## 2804 (k)

- ▶ violation of Rules .2804 of this Section related to potentially hazardous food **that does not meet temperature** storage and holding requirements and requirements regarding the refrigeration of bottles and lunches at 45 degrees Fahrenheit or below shall be assessed **six demerits; #4** on the grade sheet
- ▶ Thermos related violations **#5** on the grade sheet; **5 demerits**

**Sanitation Standards Evaluation Form for Child Care Centers** Demerits: \_\_\_\_\_

Classification:  Superior  Approved  Provisional  Disapproved

Establishment Name: \_\_\_\_\_ Operator: \_\_\_\_\_

Location Address: \_\_\_\_\_

City: \_\_\_\_\_ State: North Carolina

Zip: \_\_\_\_\_ County: \_\_\_\_\_

Current Facility ID#: \_\_\_\_\_ Telephone: \_\_\_\_\_

Licensing ID#: \_\_\_\_\_ Maximum Capacity: \_\_\_\_\_

Water System:  Municipal/Community  Onsite System

Water Supply:  Municipal/Community  Onsite Supply

Water Sample Taken Today?  Yes  No

Date: \_\_\_\_\_ Status Code: \_\_\_\_\_

Time In: \_\_\_\_\_ Time Out: \_\_\_\_\_

Inspection  Re-inspection  Visit

Name Change  Verification of Closure  Status Change

Demerits		Demerits	
<b>HANDWASHING: 2803, 2836</b>		<b>STORAGE: 2820</b>	
1 Handwashing when required	5	28 Medications properly stored	5
2 Proper handwashing procedure	5	29 Hazardous products properly stored and locked	5
<b>FOOD: 2804, 2806, 2807, 2808, 2810, 2816, 2836</b>		30 Non-hazardous products properly stored	3
*3 From approved sources, not a hazard or adulterated	6	31 Facilities provided for proper storage; used and kept clean	2
*4 Potentially hazardous foods meet storage and holding temperatures; bottles, lunches refrigerated at 45° F or below	6	<b>BECS, COYS, MATS AND LINENS: 2821, 2836</b>	
5 Food properly stored, thawed, prepared, cooked, cooled, handled, served, transported, packaged and identified; only supervised children in kitchen; water from a handwash lavatory not consumed or used for bottle washing	5	32 Adequate linen provided and properly stored; adequate beds, cots, mats provided, in good repair, properly stored, labeled, spaced & dirty use	3
6 Not re-served	3	33 Linen, bedding, wash cloths, bibs, burping cloths laundered, and in good repair	3
7 Thermometers provided, accurate	2	<b>TOYS, EQUIPMENT, FURNITURE: 2822, 2836</b>	
<b>FOOD SERVICE EQUIPMENT &amp; UTENSILS AND SANITIZING: 2805, 2809, 2811, 2812, 2814</b>		34 Clean and in good repair; cleaning, sanitization and maintenance of water dip containers	4
*8 Meets specifications for refrigeration, sinks, lavatories and dishwashing equipment	6	35 Mouth-contact surfaces cleaned and sanitized in rooms designated for children who are not toilet trained	4
9 Meets specifications for other equipment and utensils; approved material and construction	4	<b>PERSONNEL: 2807, 2823</b>	
10 Food contact surfaces properly washed, rinsed, sanitized and air dried; single-service articles not re-used	4	36 Child care center employees wearing gloves, clean clothes, hair restraints where required, no tobacco use	2
11 Approved sanitizing solution provided, test kit available	2	<b>FLOORS, WALLS &amp; CEILINGS: 2824, 2825, 2832, 2836</b>	
12 Equipment, non-food contact surfaces clean, in good repair	4	37 Easily cleanable, clean, and in good repair; carpets vacuumed as required and extraction cleaned; date cleaned	4
13 Proper storage and handling of clean equipment, utensils and single-service articles	3	<b>LIGHTING AND THERMAL ENVIRONMENT: 2826</b>	
<b>WATER SUPPLY &amp; DRINKING WATER FACILITIES: 2815, 2836</b>		38 Room temperature between 69° F and 85° F	3
*14 Water supply meets 15A NCAC 18A .1700 and 15A NCAC 18C if applicable; documentation provided	6	39 Equipment clean and in good repair; maintained as required	2
15 Hot water supplied and maintained in the kitchen	4	<b>COMMUNICABLE DISEASE CONTROL: 2817, 2838</b>	
16 Hot water in excess of 120° F not allowed in areas accessible to children	6	*40 Persons with a communicable disease or condition excluded in accordance with 15A NCAC 18A .0200	6
*17 Hot water in excess of 120° F not allowed in areas accessible to children	6	41 Persons caring for sick or mildly ill children excluded from situations in which disease transmission likely to occur; proper written cleanup procedure followed for vomiting or diarrheal events	4
18 Backflow prevention provided, no cross connections	3	42 Designated area for sick children; maintained as required; written procedures for vomiting or diarrheal events	2
19 Approved drinking fountains, pressure regulated, clean	2	<b>WASTEWATER: 2829</b>	
<b>LEAD POISONING HAZARDS: 2816</b>		*43 Approved sewage disposal	6
*20 No identified lead poisoning hazards in accordance with NCGS 130a-13.17; state water tested	6	<b>SOLID WASTE: 2830, 2836</b>	
<b>TOILET AND LAVATORY FACILITIES: 2817, 2818, 2836</b>		44 Solid waste properly handled; containers and cleaning equipment kept clean; sign cleaning facilities adequate	2
21 Toilets and potty chairs cleaned and disinfected; proper change of use procedure	4	<b>ANIMAL &amp; VERMIN CONTROL, OUTDOOR ENVIRONMENT &amp; PREMISES: 2831, 2832</b>	
22 Soap, approved hand drying devices, toilet tissue paper available	3	*45 Pesticides properly used; no new installation of GCA pressure-treated wood	6
23 Approved storage in toilet rooms; lavatories free of storage; hand wash signs posted	2	46 CCA pressure-treated wood sealed; date sealed; soil covered or inaccessible	2
*24 Approved facilities as needed	6	47 No animals in food preparation areas and no unrestrained animals except as allowed; no prohibited animals; required veterinary records available as required	3
*25 Diapering surfaces cleaned and disinfected after each use	6	48 Pest control; premises free of conditions that harbor or attract pests	3
26 Approved cleaning solution and approved disinfectant provided; test kit available when required	2	49 Premises clean and free of standing water; utility equipment inaccessible; equipment and toys clean and in good repair	2
27 Free of storage and in good repair; cleaning and disinfecting solutions labeled; approved diapering methods used; approved floor barrier; diaper changing and handwash signs posted	4	<b>SWIMMING &amp; WADING POOLS: 2833</b>	
		50 Designed, constructed, operated and maintained in accordance with 15A NCAC 18A .2500	6

\*Indicate critical item (#-demerits)

Signed: \_\_\_\_\_ REHS#: \_\_\_\_\_ Received By: \_\_\_\_\_

Classification: Superior - 0-15 demerits, no repeat demerit; Approved - 16-32 demerits, no 5-point demerit; Provisional - 33-45 demerits, or any 5-point demerit; Disapproved - 46 or more demerits, or failure to improve. Provisional classification, no repeat demerit. An 8-point demerit, or 10-point demerit, or 12-point demerit, or 14-point demerit, or 16-point demerit, or 18-point demerit, or 20-point demerit, or 22-point demerit, or 24-point demerit, or 26-point demerit, or 28-point demerit, or 30-point demerit, or 32-point demerit, or 34-point demerit, or 36-point demerit, or 38-point demerit, or 40-point demerit, or 42-point demerit, or 44-point demerit, or 46-point demerit, or 48-point demerit, or 50-point demerit, or 52-point demerit, or 54-point demerit, or 56-point demerit, or 58-point demerit, or 60-point demerit, or 62-point demerit, or 64-point demerit, or 66-point demerit, or 68-point demerit, or 70-point demerit, or 72-point demerit, or 74-point demerit, or 76-point demerit, or 78-point demerit, or 80-point demerit, or 82-point demerit, or 84-point demerit, or 86-point demerit, or 88-point demerit, or 90-point demerit, or 92-point demerit, or 94-point demerit, or 96-point demerit, or 98-point demerit, or 100-point demerit.

HEALTH AND HUMAN SERVICES  
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# 15A NCAC 18A .2806

## Food Storage and Protection

# 15A NCAC 18A .2806

## FOOD STORAGE AND PROTECTION

- ▶ (b): Food that is stored in child care center classrooms or other rooms intended for child care use, shall be limited to foods that are individually packaged unless the classroom is equipped with a food preparation area.
- ▶ (c) Notwithstanding Paragraph (b) of this Rule, **bulk dry goods or food stored in freezers** may be stored in rooms in child care centers that are not equipped with a food preparation area when all food preparation involving the bulk dry goods or frozen food is done in the **kitchen or an approved food preparation area**. **(All newly added language.)- \*Marked under #5\***
- ▶ (d) **Bulk food stored in a refrigerator** shall be stored at 45 degrees Fahrenheit or below and stored in the **child care center's kitchen or in an approved food preparation area** equipped with a **full-size refrigerator**. Specialty bulk milk that is sent from home for consumption by a child while at the child care center may be stored as set forth in this Paragraph when the child's parent or guardian provides written permission and the **specialty bulk milk** is sent to the child care center at the **beginning of each week unopened**, labeled with the date received by the child care center, and labeled with the name of the child to whom the bulk specialty milk belongs. **Any remaining bulk specialty milk shall be sent home at the end of the week** with the child to whom the bulk specialty milk belongs. **(All newly added language.)- \*Marked under #5\***

## 15A NCAC 18A .2806

# FOOD STORAGE AND PROTECTION CONTINUED

▶ (e) Dry goods that are stored in containers shall be labeled.-

**\*Marked under #5\***



## 15A NCAC 18A .2806

# FOOD STORAGE AND PROTECTION CONTINUED

- ▶ (h) Raw meats, poultry, fish, shellfish and eggs shall be stored **in a refrigerator or freezer** on shelving beneath and separate from other foods. The temperature of *potentially hazardous food* provided by the child care center for consumption by children shall 45 degrees Fahrenheit or below, or at **135 degrees Fahrenheit** or above at all times, including field trips, catering events, and outdoor service, except during periods of preparation and service immediately prior to consumption.- **\*Marked under #4\***



## 15A NCAC 18A .2806

### FOOD STORAGE AND PROTECTION CONTINUED

- ▶ (i) Sealed, commercially pre-packaged food may be stored in undrained ice as long as the food is not **fully** submerged in **ice or water**...- **\*Marked under #5\***
  
- ▶ (k-1) Where it is impractical to install thermometers on equipment such as steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a metal stem-type, **thin probe**, numerically scaled indicating product thermometer...- **\*Marked under #9\***
  
- ▶ (k-2) The internal temperature of *potentially hazardous foods* requiring hot storage shall be **135 degrees Fahrenheit** or above except during periods of preparation and service. *Potentially hazardous food* that will be transported hot shall be held at a temperature of **135 degrees Fahrenheit** or above **during transportation**.- **\*Marked under #7\***
  
- ▶ .2801 (33): "**Potentially Hazardous Food**" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat-treated food of animal origin, raw seed sprouts, and heat-treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity value of 0.85 or less.

# 15A NCAC 18A .2806 FOOD STORAGE AND PROTECTION CONTINUED

- ▶ (1) In the event of a fire, flood, water supply interruption, power outage, or other event that results in the contamination of food, or that might prevent *potentially hazardous food* from being held at required temperatures, the person in charge shall either discard the food in question or contact the local health department **for information on food safety.**



# 15A NCAC 18A .2807

## Food Preparation

# 15A NCAC 18A .2807

## FOOD PREPARATION

- ▶ .2801 (16): "*Food Preparation*" means the handling of foods or utensils in the preparation of meals, including opening and closing of baby bottles, baby food jars, and cereal boxes, as well as the opening and closing of any other food items during the assembly of ingredients.
- ▶ (b) Employees engaged in *food preparation* in the kitchen shall wear clean clothes and hair restraints, as set out in Part 2-402.11 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652 and shall keep their fingernails trimmed. Hair spray is not a hair restraint for the purpose of this Rule. Employees engaged in *food preparation* who are wearing nail polish or artificial nails on their fingers shall wear intact gloves during *food preparation*. **(Relocated from .2808(c)).**  
**-\*Marked under #36\***

### Part 2-402.11 of the Food Code:

- ▶ (A) Except as provided in ¶ (B) of this section, FOOD EMPLOYEES shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLESERVICE and SINGLE-USE ARTICLES.
- ▶ (B) *This section does not apply to FOOD EMPLOYEES such as counter staff who only serve BEVERAGES and wrapped or PACKAGED FOODS, hostesses, and wait staff if they present a minimal RISK of contaminating exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.*

# 15A NCAC 18A .2807

## FOOD PREPARATION

▶ (c) Food shall be prepared using utensils, deli paper, or disposable gloves to prevent exposed, ready-to-eat-food from coming into direct contact with an employee's bare hands or exposed skin. \*Marked under #5\*



▶ Food shall be prepared on *food-contact surfaces* that have been cleaned, rinsed, and sanitized prior to use. *Food-contact surfaces* and utensils that are exposed to bacterial, viral, fungal, or hazard contaminants during use shall be made clean, free from hazards, and sanitized before continued use.- \*Marked under #10\*

- ▶ .2801 (15) "**Food Contact Surface**" means as defined in Part 1-201.10 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2651. "Food-contact surface" means: (1) A surface of EQUIPMENT or a UTENSIL with which FOOD normally comes into contact; or (2) A surface of EQUIPMENT or a UTENSIL from which FOOD may drain, drip, or splash: (a) Into a FOOD, or (b) Onto a surface normally in contact with FOOD.

# 15A NCAC 18A .2807

## FOOD PREPARATION

- ▶ (e) Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 145 degrees Fahrenheit, except that:  
**\*Marked under #4\***
  - ▶ (2) ground beef, other ground or comminuted meat or fish, and eggs pooled and cooked for hot storage shall be cooked to an internal temperature of at least 155 degrees Fahrenheit with no interruption in the cooking process.
  
- ▶ (f) Potentially hazardous foods that require cooking prior to consumption and cooked in a microwave oven shall be heated an internal temperature of at least 165 degrees Fahrenheit.  
**\*Marked under #4\***

# 15A NCAC 18A .2807

## FOOD PREPARATION

- ▶ (g) Potentially hazardous foods that have been cooked and then refrigerated, if served above 45 degrees Fahrenheit, shall be reheated to an internal temperature of 165 degrees Fahrenheit or higher before being served or before being placed in a hot food storage unit except that commercially packaged food in intact packages may initially be reheated to 135 degrees Fahrenheit. **\*Marked under #4\***
- ▶ (g) Potentially hazardous foods reheated in a microwave oven shall be heated an internal temperature of at least 165 degrees Fahrenheit. **-Marked under #4\***
- ▶ (h) Metal stem-type, thin probe, numerically scaled indicating product thermometers, accurate to  $\pm 3$  degrees Fahrenheit shall be used to ensure the maintenance of the internal cooking temperatures of all potentially hazardous foods required under this Rule. **-\*Marked under #7\***



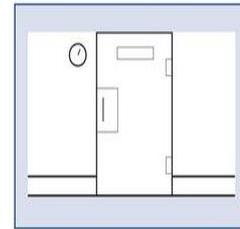
# 15A NCAC 18A .2807

## FOOD PREPARATION

- ▶ (i) Potentially hazardous foods that are frozen shall be thawed using one of the following methods:- **\*Marked under #5\***
  - ▶ (1) in refrigerated units at a temperature not to exceed 45 degrees Fahrenheit;
  - ▶ (2) submerged under potable water of a temperature of 70 degrees Fahrenheit or below, with sufficient water velocity to agitate and float off loose food particles into the overflow;
  - ▶ (3) in a microwave oven only when the food will be immediately transferred to conventional cooking equipment as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
  - ▶ (4) as part of the conventional uninterrupted cooking process.

### Thawing Food

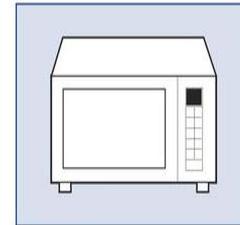
#### The Four Acceptable Methods for Thawing Food



In a refrigerator,



Submerged under running potable water, at a temperature of 70°F (21°C) or lower



In a microwave oven, if the food will be cooked immediately after thawing



As part of the cooking process

# 15A NCAC 18A .2808

## Food Service

# 15A NCAC 18A .2808

## *FOOD SERVICE*

▶ .2801(17): "**Food Service**" means the distribution of foods for consumption, including milk placed in a pitcher or other serving container, ice that is transported, stored and dispensed, the distribution of children's bagged lunches and snacks sent from home, and the use of utensils to prevent direct food contact.

▶ (b) Ice shall be protected against physical, chemical, and biological contamination and shall be kept *clean*.- **\*Marked under #5\***

▶ .2801 (7) "**Clean**" means that an object or surface has been made free of garbage, soil, dust, hair, dander, food, bodily fluids and secretions, and feces.

▶ (b) Ice storage bins shall be drained through an air gap in accordance within Part 5-202.13 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2655.

▶ 5-202.13 Backflow Prevention, Air Gap: An air gap between the water supply inlet and the flood level rim of the PLUMBING FIXTURE, EQUIPMENT, or nonFOOD EQUIPMENT shall be at least twice the diameter of the water supply inlet and may not be less than 25 mm (1 inch).

▶ (d) Between uses during service, utensils that are used to serve food shall be stored in the food with the utensil handle extended out of the food, in a container of water if the water is maintained at a temperature of at least **135 degrees Fahrenheit**, or stored clean and dry.- **\*Marked under #13\***

# 15A NCAC 18A .2808

## *FOOD SERVICE*

- ▶ (f) Nothing in this Section shall be construed as prohibiting family style or self-serve *food service* at child care centers provided that children are supervised by child care center employees for the **duration of the meal**. Notwithstanding the foregoing sentence, family style or self-serve food service shall be prohibited during the outbreak and investigation of a *communicable disease or condition* at the child care center.-\*Marked under #5\*



- ▶ .2801 (8) "*Communicable Condition*" means as defined at G.S. 130A-2(1b). 130A-2. Definitions. (1b) "Communicable condition" means the state of being infected with a communicable agent but without symptoms.
- ▶ .2801 (9) "*Communicable Disease*" means as defined at G.S. 130A-2(1c). 130A-2. Definitions. (1c) "Communicable disease" means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a person from an infected person or animal through the agency of an intermediate animal, host, or vector, or through the inanimate environment.

# 15A NCAC 18A .2809

## Food Service Equipment and Utensils

# 15A NCAC 18A .2809

## FOOD SERVICE EQUIPMENT AND UTENSILS

- ▶ .2809 (1) and (2)- Added Food-Contact Surfaces and Utensils shall be kept clean and in good repair
  - Removed words such as pitting, chipping, cracking, etc.
  - Defined ‘good repair’ (.2801 (20))- Items that are in good repair shall be free of substrate damage, deterioration, peeling surfaces, and broken or missing parts and shall operate in accordance with the manufacturer’s or builder's instructions.
  - Defined ‘clean’(.2801 (7))- an object or surface has been made free of garbage, soil, dust, hair, dander, food, bodily fluids and secretions, and feces.

# .2809 (cont)

## FOOD SERVICE EQUIPMENT AND UTENSILS

- Defined 'Food-contact surface' (.2801(15))- A surface of equipment or a utensil with which food normally comes into contact; or a surface of equipment or a utensil from which food may drain, drip, or splash into a food, or onto a surface normally in contact with food.
- Defined 'Utensil' (.2801 (40))- any kitchenware, tableware, glassware, cutlery, containers or other equipment that food or drink comes in contact with during storage, preparation or serving.
- .2809 (2)- Removed 'Maple or a nonabsorbant wood' and replaced with 'Hard wood may be used for cutting boards, cutting blocks, or baker's tables'

# 15A NCAC 18A .2810

## Food Service Equipment and Utensils

# 15A NCAC 18A .2810

## SPECIFICATIONS FOR KITCHENS, FOOD PREPARATION AREAS AND FOOD SERVICE AREAS

► *Rule .2810 (a)- A child care center may use and wash multi-use articles and highchair feeding trays in a two-compartment sink, but shall not use or wash multi-service articles other than highchair feeding trays unless equipped with either:*

- (1) a dishwasher and two-compartment sink, or*
- (2) a three-compartment sink of sufficient size and depth to submerge, wash, rinse and sanitize utensils.*

# 15A NCAC 18A .2810

- ▶ .2810 (a)- Clarified: multi-use articles and highchair feeding trays can be washed in a two-compartment sink
- ▶ .2810 (a)- Clarified: to use or wash multi-service articles (other than highchair feeding trays), the center must be equipped with a dishwasher and two-compartment sink, or a three-compartment sink.

## Rule .2810 continued

- Defined **‘multi-service articles’** (.2801 (28))- tableware, including flatware and hollowware that are designed, fabricated, and intended by the manufacturer to be washed, rinsed, sanitized, and re-used.
- Defined **‘multi-use articles’** (.2801 (29))- bulk food containers and utensils designed, fabricated, and intended by the manufacturer to be washed, rinsed, sanitized, and re-used. The term includes food storage containers, beverage pitchers, serving spoons and bowls, tongs, and spatulas.

## Rule .2810 continued

*Rule .2810 (f)- If food is prepared in a child care center classroom, then the classroom shall be equipped with a food preparation area. Water from a handwash lavatory shall not be used for bottle warming or to prepare formula, mix dry cereals, or other foods. Toy cleaning and sanitizing may be conducted in the food preparation area. This food preparation area shall contain a countertop that is kept clean and in good repair, a handwash lavatory, and refrigeration when items are stored that require refrigeration in accordance with Rules .2804 and .2806 of this Section.*

## Rule .2810 continued

- ▶ .2810 (f)- Added: water from a handwash lavatory shall not be used for **bottle warming. (Violation marked under item #5)**
- ▶ .2810 (f) (1)- Clarified: clean and sanitize bottle warmers according to the manufacturer's instructions.
- ▶ .2810 (f) (2)- Clarified: bottles are warmed in the kitchen or food prep area (**Violation marked under item #5)**)

## Rule .2810 continued

- ▶ .2810(f) (2)- Added: Slow cookers shall not be used to thaw or warm human milk, baby food, formula or other bottled beverages (Violation marked under item #9)
- ▶ .2810 (f) (2)- Added: Bottles shall be warmed by placing bottles under running potable water or in containers of potable water or by using bottle warming equipment that is used in accordance with the manufacturer's instructions. Temperature restrictions listed in Rule .2815(e) do not apply to equipment manufactured specifically for bottle warming. If other bottle warming methods are used in food preparation areas, compliance with temperature restrictions listed in Rule .2815(e) is required. (Temperature violations marked under item #16 (water not tempered) or #17 (water in excess of 120 °F))

## Rule .2810 continued

- ▶ *Rule .2810 (f) (3)- after each use, multi-service articles provided by the child care center shall be cleaned and sanitized in the child care center kitchen.*
- ▶ Previously .2810 (f) (2)

**BREAK**