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REGULATED VS. NON-REGULATED ACTIVITIES & FOOD ITEMS

The types of establishments which prepare and serve food and drink regulated by the State of North Carolina are determined by statutes, rules, and interagency agreements. The following chart illustrates the food safety regulatory responsibilities for the N.C. Department of Environment and Natural Resources (NCDENR), Division of Environmental Health (DEH) Environmental Health Services Section. The appropriate statute or rule is referenced. Establishments or activities exempt from NCDENR DEH regulation are, by statute, regulated by the N.C. Department of Agriculture and Consumer Services (NCDCA&CS). This chart is not intended to be a comprehensive list of establishments or activities.

Description of Activities	Regulated	Non-Regulated
Establishments that prepare or serve drink or food for pay (e.g. restaurants, food stands, temporary food establishments)	§ 130A-248(a)	
Establishments that prepare and sell meat food products or poultry products.	§ 130A-248(a)	
Establishment holding an ABC permit that prepares or serves food or drink to the public	§ 130A-248(a)	
Establishments that prepare or serve food to regular boarders or permanent houseguests only.		§ 130A-250(3)
Limited food service establishments	§ 130A-248(a4)	
Pushcarts	§ 130A-248(c1)	
Mobile Food Units	§ 130A-248(c1)	
Private clubs that serve food for pay to club members and their guests only		§ 130A-250(5)
Curb markets operated by the State Agricultural Extension Service		§ 130A-250(6)
Establishments that are nonprofit corporations, or exempt from income taxes, or political committees that prepare or serve food or drink for pay no more frequently than once a month for a period not to exceed two consecutive days		§ 130A-250(7)
Establishments that serve non-potentially hazardous beverages in single service cups		§ 130A-250(8)
Establishments that serve beverages made from raw apples or potentially hazardous beverages made from raw fruits or vegetables	§ 130A-250(8)	
Establishments that serve beverages in multi-use containers	§ 130A-250(8)	
Establishments that sell uncooked cured country ham or uncooked cured salted pork with minimal preparation (slicing, weighing, or wrapping)		§ 130A-250(10)
Catering	§ 130A-248(a)	
Personal Chef Activities (preparing food only)		§ 130A-248(a)

Description of Food	Regulated	Non-Regulated
Apple dumplings, apple fries, fruit bakery products		Interagency Agreement
Banana splits and other ice cream products		Interagency Agreement
¹ Meat or other potentially hazardous pastry/pies	§ 130A-248(a); § 106-122	
Baked goods (including cheesecake)		§ 130A-250(12)
² Manager's reception	§ 130A-248(a)	
² Continental breakfast	§ 130A-248(a)	
³ Bulk Products (e.g. olives, pickles, pigs feet, etc.)	Interagency Agreement	
⁴ Boiled peanuts	Interagency Agreement	
Cactus (served as food)	§ 130A-248(a)	
Souvenir glasses- winery		§ 130A-250(8); 15A NCAC 18A .2601 (6)
⁴ Hoop cheese	Interagency Agreement	
Waffle batter		§ 130A-250(12)
Milkshakes & soft serve ice cream	Interagency Agreement	

¹ NCDENR has regulatory authority when product is sold at retail; NCDA&CS has regulatory authority when product is sold at wholesale

² NCDENR has regulatory authority when potentially hazardous foods are prepared; NCDA&CS has regulatory authority when only packaged foods are provided

³ NCDENR has regulatory authority when items are comingled with NCDENR regulated products; NCDA&CS has regulatory authority when displayed for sale at retail or in bulk at wholesale

⁴ NCDENR has regulatory authority when sold within NCDENR regulated establishments; NCDA&CS has regulatory authority when sold in all other areas