



North Carolina Department of Health and Human Services  
Division of Public Health

Pat McCrory  
Governor

Aldona Z. Wos, M.D.  
Ambassador (Ret.)  
Secretary DHHS

Penelope Slade-Sawyer  
Division Director

December 3, 2014

**POSITION STATEMENT:** Limited Food Services at Lodging Facilities

**PURSUANT TO:** Session Law 2014-120 (S734)

**SOURCE:** Kristina V. Nixon, MPA, REHS, Field Supervisor  
NC Food Protection Program

**QUESTIONS:** What changes have occurred to the “Limited food services establishment” definition and do these changes apply to Lodging Establishments?  
How should Limited Food Service Establishments be permitted in Lodging Establishments?

**DISCUSSION AND RATIONALE:**

Session Law 2014-120 (S734) changed the definition of Limited Food Service Establishments, §130A-247(7), by adding, “Limited food service establishment also includes lodging facilities that serve only reheated food that has already been pre-cooked.” Senate Bill 734 also changed §130A-248(a4) to include, “Lodging facilities that serve only reheated food that has already been pre-cooked.” A committee is currently working on rules to address limited food services at lodging facilities, which will be referred to as “Limited Lodging Food Establishments” (LLFE). This law is now in effect, therefore, interim guidance is being provided for permitting establishments that prepare and serve food as defined in §130A-247(7) while the rules are being amended..

**RESPONSE / INTERPRETATION:**

1. The Commission for Public Health has adopted rules governing the sanitation of limited food service establishments; therefore, those standards will apply to lodging establishment food service that meets the new definition. These facilities shall be assessed for compliance with 15A NCAC 18A .2674 and shall be permitted and inspected as a Limited Food Establishment. Permits will continue to expire on December 31 and may be reissued as requested. The Section will recommend eliminating expiring permits for LLFEs in upcoming amendments to the .2600 rules.
2. LLFEs are limited to serving “reheated food that has already been pre-cooked.” Therefore, those items in .2674 that pertain to cooking foods do not apply.
3. Rule .2674(2) requires that a permit application be submitted to the local health department at least 30 days prior to construction or commencing operation. If an establishment with only a lodging permit plans to add food service that requires a .2600 permit, the permit application shall include a menu, plans, and specifications for the proposed limited food establishment.
4. When evaluating an existing lodging establishment that currently serves an unpermitted continental breakfast, plan review is unnecessary, however, an application is required and the facility should be assessed to determine compliance with .2674.

<http://ehs.ncpublichealth.com/faf/food/planreview/index.htm>

Tel 919-707-5854 • Fax 919-845-3973

Location: 5605 Six Forks Road • Raleigh, NC 27609

Mailing Address: 1632 Mail Service Center • Raleigh, NC 27699-1632

An Equal Opportunity / Affirmative Action Employer



5. If the lodging establishment currently has a .2600 food establishment permit, an evaluation for a limited food establishment permit is unnecessary.
6. Lodging establishments that meet the statutory exemption, §130A-250(1), cannot qualify for a limited food establishment permit. Four or fewer units are exempt; therefore, they cannot utilize a provision in the statutes that applies to lodging facilities.
7. There is no rule or statute that prohibits food for pay as a LLFE.
8. As a reminder, the following will apply:
  - Permits shall be posted.
  - Permits expire on December 31 of each year.
  - Transitional permits cannot be issued.
  - Inspections will be conducted once every six months as a Risk Category II establishment and a grade card must be posted.
  - Time/temperature control for safety (TCS) food shall not be prepared prior to the day of service.
  - TCS food remaining at the end of the day shall not be served or placed in refrigeration to be used another day.
  - Rule .2674(9) allows food to be prepared in accordance with .2669(b). However, outdoor “cooking” is limited to reheating pre-cooked food items for these facilities.
  - An LLFE cannot be used as a catering kitchen due to lack of facilities.
  - Equipment must be in good repair and operating properly.
  - A hand sink is required for use by employees.

This temporary guidance is provided until the Limited Food Establishment rules are updated. A draft of the proposed rules will be provided for your review.

**REFERENCES:**

Session Law 2014-120 (S734)

N.C.G.S. 130A-247

N.C.G.S. 130A-278

Rules Governing the Food Protection and Sanitation of Food Establishments 15A NCAC 18A .2600

North Carolina Food Code Manual

*NOTE: Position statements are policy documents to clarify how to interpret or enforce a law or rule. They are not enforceable on their own, but are intended to promote uniform interpretation and enforcement of the underlying law or rule.*