



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

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Division of Public Health

July 26, 2022

POSITION STATEMENT: Franchised or Chain Food Establishment Designation for Plan Review

PURSUANT TO: NC G.S. 130A-248, NC Food Code 8-201.11

SOURCE: Shane Smith, Food Protection and Facilities Branch

QUESTION: What constitutes a franchised or chain food establishment for the purpose of state plan review?

ANSWER: A food establishment with ten or more locations that meets the criteria outlined in this position statement.

DISCUSSION AND RATIONALE:

The Food Protection and Facilities Branch is responsible for the review and approval of plans for franchised or chain food establishments as referenced in NC G. S. 130A-248(e), while local health departments review plans not subject to State review, or independent food establishments. Clarity is needed to help food establishments determine if state or county plan review is needed when submitting plans.

RESPONSE AND INTERPRETATION:

The North Carolina Food Code Manual 8-201.11 states the requirement that, "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". Because there is no definition of chain or franchise establishments in rule or law, confusion may occur on where plans should be submitted. If plans are not submitted to the proper regulatory authority, review and approval may be delayed.

A franchised or chain food establishment is a food establishment that operates: (1) under the same business name and concept with common ownership or management as ten or more food establishments, or (2) pursuant to a franchise agreement under the same franchisor as ten or more food establishments. If a food establishment operates in another state or states and is opening a location in North Carolina with (1) the same business name and concept with

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common ownership or management to ten or more food establishments, or (2) pursuant to a franchise agreement under the same franchisor as ten or more other food establishments, that location will be considered a “franchise or chain food establishment” for the purpose of plan review.

If a food establishment is considered a “franchised or chain food establishment,” the state shall provide plan review and approval. If a food establishment is not considered a “franchised or chain food establishment,” local health departments shall provide plan review and approval.

PUBLIC HEALTH JUSTIFICATION:

The purpose of North Carolina Food Code Manual 8-201.11 and this position statement are to provide consistency in the plan review process between jurisdictions. Clearly defining when plans should be submitted to the state will decrease confusion and allow for a more timely review for the applicant.

This guidance replaces any guidance given in previous written or verbal communications.

NOTE: Position statements are policy documents to clarify how to interpret or enforce a law or rule.