



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

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State Health Director

December 3, 2012

**MEMORANDUM**

**TO:** Environmental Health Directors, Supervisors, Coordinators, and Specialists

**FROM:** Larry D. Michael, REHS, MPH  
Program Head  
Food Protection Program

**SUBJECT:** Mobile Food Unit Commissaries; Session Law 2012-187

On July 16, 2012, Senate Bill 810 (SL 2012-187) amended N.C.G.S. 130A-248(c1) as follows:  
"The Commission shall adopt rules governing the sanitation of pushcarts and mobile food units. A permitted restaurant or commissary shall serve as a base of operations for a pushcart. A mobile food unit shall meet all of the sanitation requirements of a permitted commissary or shall have a permitted restaurant or commissary that serves as its base of operation."

This statutory change allows a mobile food unit (MFU) to operate as its own commissary if it meets the requirements for commissaries in the 2009 Food Code as amended by 15A NCAC 18A .2600, *Rules Governing the Food Protection and Sanitation of Food Establishments*, and Rules in .2670 and .2672 (MFU requirements). The MFU and/or an established servicing area for the MFU must be evaluated for compliance with these rules.

The MFU must meet the requirements of a permitted commissary **or** the combination of a MFU and its associated servicing area shall meet the requirements. Regardless of the option, the following minimum MFU requirements as specified in Rule .2670, *General Requirements for Pushcarts and Mobile Food Units*, and Rule .2672, *Specific Requirements for Mobile Food Units*, are applicable:

1. Space for the storage of all supplies;
2. Potable water servicing faucets and equipment protected to prevent contact with chemicals, splash, and other sources of contamination;
3. Approved solid and liquid waste disposal facilities; and
4. Provisions for flushing and draining the sewage holding tank.



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The *commissary* must meet all applicable rules in the Food Code as adopted by reference in Section .2600. The following requirements that the commissary has typically provided will need to be evaluated for a MFU that is operating as its own commissary:

1. Storage for all food supplies, utensils, equipment, and employee belongings;
2. Adequate facilities to store and maintain temperatures of all Potentially Hazardous/Temperature Control for Safety foods;
3. Facilities to prevent contamination of food, utensils, and equipment;
4. Warewashing facilities;
5. Cleaning facilities, maintenance tools, and related supplies;
6. Refuse storage and disposal;
7. Sufficient supply of potable water and adequate water heating facilities;
8. Wastewater disposal; and
9. At least one conveniently located, accessible toilet facility as required in Sections 5-203.12 and 6-402.11.

The prospective permit holder must submit plans and an application as required in Part 8-2, *Plan Submission and Approval*, as amended by Rule .2658, for a proposed MFU operating as a commissary. For existing MFUs wishing to operate as their own commissary this should be handled as a remodel. The Department suggests that local environmental health staff discuss with the prospective permit holder the requirements for a commissary to establish whether or not their proposal is feasible prior to having them complete an application and pay the plan review fee.

If the consolidated operation meets commissary requirements, a MFU permit may be issued with conditions placed on the permit indicating provisions needed to maintain compliance as a MFU commissary. Keep in mind that Section 6-202.111 of the Food Code prohibits the use of private homes in connection with food establishment operations.

If you need plan review assistance with respect to applying this law or have any questions regarding MFU commissaries please contact your environmental health regional specialist.