

**RULES GOVERNING
THE SANITATION OF
LOCAL CONFINEMENT
FACILITIES
15A NCAC 18A .1500**

NORTH CAROLINA

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF PUBLIC HEALTH

ENVIRONMENTAL HEALTH SECTION

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EHS 1268 – INSPECTION OF LOCAL CONFINEMENT FACILITY

§ 153A-226. Sanitation and food.

(a) The Commission for Public Health shall adopt rules governing the sanitation of local confinement facilities, including the kitchens and other places where food is prepared for prisoners. The rules shall address, but not be limited to, the cleanliness of floors, walls, ceilings, storage spaces, utensils, ventilation equipment, and other facilities; adequacy of lighting, water, lavatory facilities, bedding, food protection facilities, treatment of eating and drinking utensils, and waste disposal; methods of food preparation, handling, storage, and serving; and any other item necessary to the health of the prisoners or the public.

(b) The Commission for Public Health shall prepare a score sheet to be used by local health departments in inspecting local confinement facilities. The local health departments shall inspect local confinement facilities as often as may be required by the Commission for Public Health. If an inspector of the Department finds conditions that reflect hazards or deficiencies in the sanitation or food service of a local confinement facility, he shall immediately notify the local health department. The health department shall promptly inspect the facility. After making its inspection, the local health department shall forward a copy of its report to the Department of Health and Human Services and to the unit operating the facility, on forms prepared by the Department of Environment and Natural Resources. The report shall indicate whether the facility and its kitchen or other place for preparing food is approved or disapproved for public health purposes. If the facility is disapproved, the situation shall be rectified according to the procedures of G.S. 153A-223. (1967, c. 581, s. 2; 1973, c. 476, s. 128; c. 822, s. 1; 1989, c. 727, s. 205; 1993, c. 262, s. 5; 1997-443, ss. 11A.113, 11A.118(a); 2007-182, s. 2.)

SECTION .1500 - SANITATION OF LOCAL CONFINEMENT FACILITIES

Rules .1501 - .1525 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .1501 - .1525); has been transferred and recodified from Rules .0101 - .0125 of Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .0101 - .0125), effective April 4, 1990.

15A NCAC 18A .1501 DEFINITIONS

The following definitions shall apply throughout this Section in the interpretation and enforcement of this Section:

- (1) "Local confinement facility" shall include the following and similar establishments: any county or municipal confinement facility, local lockup, regional or district confinement facility, any detention facility for children or adults, any county or municipal workhouse or house of correction, and any other confinement facility operated by any local government for confinement of persons awaiting trial or sentences.
- (2) "Department" shall mean the Secretary of the Department of Environment and Natural Resources or his authorized representative.
- (3) "Local health director" shall mean local health director as defined in G.S. 130A-2(6) or his authorized representative.
- (4) "Sanitarian" shall mean a person authorized to represent the Department on the local or state level in making inspections pursuant to state laws and rules.
- (5) "Sanitize" means the approved bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.
- (6) "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 foods of animal origin, raw seed sprouts, and 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 (Aw) value of 0.85 or less.

*History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. November 1, 2002; September 1, 1990.*

15A NCAC 18A .1502 APPROVAL OF PLANS

Plans and specifications for new construction or major modification of local confinement facilities shall be submitted to the local health director for review and endorsement prior to, or concurrent with, submission to the Division of Facility Services, Department of Human Resources, for approval.

*History Note: Authority G.S. 153A-226; 143B-165;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.*

15A NCAC 18A .1503 INSPECTIONS

Inspections of local confinement facilities shall be made at least once a year. A copy of each inspection form shall be left with the person in charge of the facility at the time of the inspection.

*History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.*

15A NCAC 18A .1504 REINSPECTIONS

A sanitarian may reinspect a local confinement facility at any time to insure compliance with these Rules and to give assistance in the interpretation of these Rules.

*History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.*

15A NCAC 18A .1505 INSPECTION FORMS

The grading of local confinement facilities shall be done on an inspection form furnished by the Department to local health departments. The form shall include at least the following information:

- (1) the name and address of the facility,
- (2) the name of the person in charge of the facility,
- (3) the classification of the facility,
- (4) the standards of construction and operation as listed in .0107 to .0123 of this Section,
- (5) the signature of the authorized representative of the Department.

*History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990; June 30, 1980.*

15A NCAC 18A .1506 GRADING

(a) The grading of local confinement facilities shall be based on the standards of construction and operation as set out in .0107 to .0123 of this Section.

(b) The grade of the facility shall be classified as follows:

- (1) as approved if the demerit score is 20 or less and no six demerit point item is violated;
- (2) As provisional if any six demerit point item is violated, or if the demerit score is more than 20 but not more than 40; The duration of such classification shall not exceed seven days; provided, that a longer period may be established if construction or renovation is involved;
- (3) as disapproved if the demerit score is more than 40, if the conditions found are dangerous to the health of the persons confined, or if the conditions resulting in the provisional classification have not been corrected within the specified time period.

*History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. January 1, 1978.*

15A NCAC 18A .1507 FLOORS

(a) All floors shall be so constructed as to be easily cleanable and shall be kept clean and in good repair.

(b) In all areas in which water is routinely discharged to the floor, or in which the floors are subjected to flooding-type cleaning, floors shall be of nonabsorbent materials, shall be sloped to drain and be provided with floor drains.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1508 WALLS AND CEILINGS

- (a) The walls and ceilings of all rooms and areas shall be kept clean and in good repair.
- (b) All walls shall be easily cleanable and light colored, and shall have washable surfaces to the highest level reached by splash or spray in rooms or areas where such occur.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1509 LIGHTING AND VENTILATION

- (a) All rooms shall be well lighted by natural or artificial means.
- (b) Ventilation shall be provided and installed as required by the North Carolina State Building Code. Copies of the North Carolina State Building Code may be obtained from the North Carolina Department of Insurance, P.O. Box 26387, Raleigh, North Carolina 27611.
- (c) Ventilation equipment shall be kept clean and in good repair.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. October 1, 1985.

15A NCAC 18A .1510 TOILET, HANDWASHING AND BATHING FACILITIES

- (a) Each cell shall be provided with access to toilet and handwashing facilities, and soap and individual towels shall be provided. The fixtures shall be kept clean and in good repair.
- (b) Each cell block or section shall be provided with bathing facilities which shall be easily cleanable and shall be kept clean.
- (c) Convenient toilet facilities shall be provided for kitchen workers.
- (d) Handwashing facilities with hot and cold water and mixing faucet shall be provided in kitchens and any food preparation areas in addition to any lavatories which may be provided at workers' toilet rooms.
- (e) A supply of hot water adequate to meet all requirement for hot water in these Rules shall be provided.
- (f) Plumbing shall comply with the North Carolina State Building Code, Volume II.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. April 1, 1992; September 1, 1990.

15A NCAC 18A .1511 WATER SUPPLY

- (a) Water supplies shall meet the requirements in 15A NCAC 18A .1700.

(b) At least once a year, a sample of water shall be collected by the Department and submitted to the Division of Laboratory Services or other laboratory certified by the Department to perform bacteriological examinations.

(c) No backflow connections or cross connections with unapproved water supplies shall exist.

(d) Hot water heating facilities shall be provided. Hot and cold running water under pressure shall be provided to food preparation areas, and any other areas in which water is required for cleaning.

*History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.*

15A NCAC 18A .1512 DRINKING WATER FACILITIES

(a) Drinking fountains approved by the Department or individual drinking cups shall be provided.

(b) Cups with open seams or surfaces readily corrodible and difficult to clean and maintain shall not be used. All multi-use drinking cups shall be thoroughly cleaned and sanitized daily and before being used by succeeding persons. Drinking fountains, if provided, shall be properly regulated and kept clean.

*History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.*

15A NCAC 18A .1513 LIQUID WASTES

(a) All sewage and other liquid wastes shall be disposed of in a public sewer system or, in the absence of a public sewer system, by a sanitary sewage disposal method approved as provided in "Sewage Disposal Systems," 15A NCAC 18A .1900.

(b) All sewage and other liquid wastes shall be so disposed of as not to create a public-health hazard.

*History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Amended Eff. July 1, 1977;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.*

15A NCAC 18A .1514 SOLID WASTES

(a) All solid wastes containing food scraps or other decomposable materials shall, prior to disposal, be kept in leak-proof, nonabsorbent containers such as standard garbage cans, which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use.

(b) All dry rubbish (including scrap paper, cardboard boxes, or similar items) shall be stored in containers, rooms, or designated areas in a manner approved by the Department. Cleaning facilities for waste containers shall be provided. Containers shall be cleaned after emptying or removal of garbage or rubbish.

(c) All solid wastes shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

*History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;*

Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1515 VERMIN CONTROL: PREMISES

- (a) Effective measures shall be taken to keep flies, rodents, and other vermin out of the local confinement facility and to prevent their breeding or presence on the premises.
- (b) The premises under control of the custodian shall be kept neat, clean, and free of litter.
- (c) Unless flies and other flying insects are absent from the immediate vicinity of the local confinement facility, all openings to the outer air shall be effectively protected against entrance of such insects by self-closing doors, closed windows, 16-mesh or finer screening, or other effective means.
- (d) Only those pesticides shall be used which have been approved for a specific use and properly registered with the Environmental Protection Agency and with the North Carolina Department of Agriculture in accordance with the "Federal Environmental Pesticide Control Act" and the "North Carolina Pesticide Law."

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1516 STORAGE

- (a) The local confinement facility shall provide at least one sufficiently sized janitor's closet equipped with a mop receptor, shelving, hooks, and other items necessary for the storage of all janitorial supplies and equipment.
- (b) The facility shall also provide storage closets or rooms for all bed linens, mattresses, and general supplies. Such rooms shall be kept clean.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1517 MATTRESSES, MATTRESS COVERS, BED LINEN

- (a) All furniture, bunks, mattresses, and other furnishings shall be kept clean and in good repair.
- (b) Clean bed linen and easily cleanable or washable mattress covers, washable mattresses, or equivalent, shall be provided for each occupant and shall be changed as often as necessary.
- (c) Clean linen shall be stored and handled in a sanitary manner. Soiled linen shall be stored and handled in such a manner as not to spread contamination, as by use of suitable bags or closed hampers. Suitable rooms or spaces shall be provided for the separate storage of clean and soiled linens.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1518 FOOD SERVICE UTENSILS AND EQUIPMENT

- (a) All equipment and utensils shall be so designed and of such material and workmanship as to be smooth and easily cleanable, and shall be kept in good repair.
- (b) The food-contact surfaces of such equipment and utensils shall, in addition, be easily accessible for cleaning, non-toxic, corrosion-resistant, relatively nonabsorbent, and free of open crevices; provided, that hard maple or its equivalent may be used for bakers' tables and cutting boards or blocks.
- (c) The National Sanitation Foundation has developed standards for many food service equipment items. Equipment which meets these or equivalent standards shall be accepted as meeting the requirements of this Section.

*History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.*

15A NCAC 18A .1519 CLEANING AND SANITIZING OF UTENSILS AND EQUIPMENT

- (a) All multi-use eating and drinking utensils shall be thoroughly cleaned and sanitized after each usage.
- (b) All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink, and all food storage utensils, shall be thoroughly cleaned after each use. Cooking surfaces of equipment shall be cleaned at least once each day. All utensils and food-contact surfaces of equipment used in the preparation, service, display or storage of potentially hazardous foods shall be cleaned and sanitized prior to each use. Non-food-contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.
- (c) Necessary facilities shall be provided and used for the cleaning and sanitizing of utensils and equipment. All such utensils and equipment shall then be stored so as to drain, dry and be protected from splash, dust, or contamination. In-place cleaning of fixed equipment shall be accepted when found effective.
- (d) Hand dishwashing facilities shall consist of an approved three-compartment sink of adequate size and depth, with hot and cold water service for each vat, and drainboards on each end of ample size to accommodate the number of eating and drinking utensils involved. When hot water is used for sanitizing, a booster heater of adequate capacity shall be provided to maintain a water temperature of at least 170 degrees F. in the third compartment.
- (e) A separate sink with drainboards on each end shall be provided where necessary for the washing of pots, pans, and vegetables.
- (f) If a dishwashing machine is provided, the capacity shall be adequate to handle the number of utensils to be washed. The machine shall be fitted with a drainboard of ample size on each side; and the dirty dish lane shall be provided with a counter-sunk sink, or other effective means for the pre-cleaning, pre-flushing, or pre-soaking of the utensils.
- (g) All cloths used by workers in the kitchen shall be clean. Single service containers shall be used only once.
- (h) No polish or other substance containing cyanide or other poisonous material shall be used for the cleaning or polishing of eating or cooking utensils.

*History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.*

15A NCAC 18A .1520 STORAGE AND HANDLING OF UTENSILS AND EQUIPMENT

- (a) Sanitized utensils shall be stored in a clean place. Containers and utensils shall be covered, inverted, or stored in tight, clean cabinets. After cleaning and until use, food-contact surfaces of equipment shall be protected from contamination. Utensils shall be handled in such a manner as to prevent contamination.
- (b) Single service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1521 FOOD SUPPLIES

- (a) All food shall be from approved sources and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption.
- (b) All meat and meat food products and all poultry and poultry products shall have been inspected for wholesomeness under an official federal, state, or local regulatory program; and, in all cases, the source shall be identifiable from labeling on carcasses, cuts, unit packages, bulk packages, or from bills of sale.
- (c) Only Grade A pasteurized fluid milk and fluid milk products or canned milk shall be used. Dry milk and milk products may be reconstituted if used for cooking purposes only.
- (d) When necessary to provide meals for prisoners in a jail or lockup which is not equipped with a kitchen, such meals shall be obtained from a foodhandling establishment approved by the local health director. Such meals or food shall be served in single service eating and drinking utensils. The procedures and equipment used for transporting of meals shall be approved by the local health director.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1522 FOOD PROTECTION

- (a) All food, while being stored, prepared, served, and during transportation, shall be protected from contamination. All perishable food shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food shall be maintained at safe temperatures (45° F. or below, or 140° F. or above) except during necessary periods of preparation and serving. Ground beef and foods containing ground beef shall be cooked to an internal temperature of at least 155° F (68° C). Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to 165° F (74° C) or higher throughout before being served or before being placed in a hot food storage facility, except that food in intact packages from regulated food manufacturing plants may initially be reheated to 140° F (60° C). Raw fruits and vegetables shall be washed thoroughly before use. Stuffings, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs, and other potentially hazardous prepared food shall be prepared, preferably from chilled products, with a minimum of manual contact, and on surfaces and with utensils which are clean and which, prior to use, have been sanitized. Individual portions of food once served shall not be served again.
- (b) No live animals or fowl shall be allowed in any room or area in which food is prepared, served, or stored.
- (c) Refrigeration facilities, hot food storage facilities, and effective insulated facilities, shall be provided as needed to assure the maintenance of all food at required temperatures during storage, preparation, and serving.
- (d) Each cold-storage facility used for the storage of perishable food in a non-frozen state shall be provided with an indicating thermometer of such type and so situated that the thermometer can be easily read.

(e) Containers of food shall be stored above the floor, on clean racks, dollies, slatted shelves, or other clean surfaces, in such a manner as to be protected from splash and other contamination.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. October 1, 1993.

15A NCAC 18A .1523 FOOD SERVICE WORKERS

(a) All food service workers shall wear clean outer garments and conform to proper hygienic practices. They shall wash their hands thoroughly in an approved handwashing facility before starting work, and as often as may be necessary to remove soil and contamination.

(b) No worker shall resume work after visiting the toilet room without first washing his hands. Hair nets, headbands, caps, or other effective hair restraints, shall be used by workers engaged in the preparation and service of food to keep hair from food and food-contact surfaces. Workers shall not use tobacco in any form while engaged in food preparation, or while in equipment and utensil-washing or food-preparation areas.

(c) No person who has a communicable or infectious disease that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or an acute respiratory infection with cough and nasal discharge, shall work in food service in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces, with disease-causing organisms or transmitting the illness to other persons.

(d) If the custodian has reason to suspect that any person has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the local health department or county physician immediately.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990.

15A NCAC 18A .1524 SEVERABILITY

If any provision of this Section, or the application thereof to any person or circumstance, is held invalid, the remainder of these Rules, or the application of such provision to other persons or circumstances, shall not be affected thereby.

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977.

15A NCAC 18A .1525 REFERENCE RULES

History Note: Authority G.S. 153A-226;
Eff. February 1, 1976;
Amended Eff. July 1, 1977;
Readopted Eff. December 5, 1977;
Amended Eff. June 10, 1978;
Repealed Eff. September 1, 1990.



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